



MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 23, 2015

The Council of the City of San José convened in Regular Session at 9:06 a.m. in the Council Chambers at City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:10 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54957 with respect to Public Employment/Public Employee Recruitment/Appointment: Department: Independent Police Auditor. Title: Interim Independent Police Auditor. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9 Subsection (d)(1) with respect to initiation of litigation in two (2) matters. (C) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) IAFF Local 230 v. City of San José; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M. Amount of Money or Other Relief Sought: Damages According to Proof. (2) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (3) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American

CLOSED SESSION (Cont'd.)

Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M; Amount of Money or Other Relief Sought: Damages According to Proof. (4) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (5) San José Police Officers' Association v. City, et al; Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (6) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (7) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (8) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (9) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours,

CLOSED SESSION (Cont'd.)

Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:15 a.m. and reconvened to Regular Session at 11:25 a.m. in the Council Chambers.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, the Orders of the Day and the Amended Agenda were approved, Items 6.1 and 6.2 were heard no earlier than 2:00 p.m.; Items 3.7 through 3.17 were heard and taken in one action; Public Hearings on Items 3.4, 4.1 and 4.4 were heard at 1:30 p.m.; Item 3.18 was deferred and Item 11.2 was dropped, to be renoticed. (11-0.)

CLOSED SESSION REPORT

City Attorney Doyle disclosed the following Closed Session actions of June 23, 2015:

A. Public Employee Appointment Pursuant to Government Code Section 54957:

Title: Interim Independent Police Auditor

Name: Shivaun Nurre

Council Vote: Ayes: Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Noes: None.

Abstain: None.

Not Present: None.

STRATEGIC SUPPORT SERVICES

Items 3.3, 3.20, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.1, and 3.5 were heard as indicated before the Consent Calendar.

Items 3.4, 4.1 and 4.4 were heard at 1:30 p.m. per Noticing.

3.3 Adopt a resolution increasing the Library Parcel Tax rates for fiscal year 2015-2016 by 2.53% over the fiscal year 2014-2015 rates and approving the placement of the Library Parcel Tax on the fiscal year 2015-2016 Santa Clara County Property Tax Roll. CEQA: Not a Project, File No. PP10-067 (a), CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 1, 2015, recommending adoption of a resolution.

3.3 (Cont'd.)

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77409, entitled: "A Resolution of the Council of the City of San José Approving the Increased Library Parcel Rates for FY 2015-2016 and Approving the Placement of the Library Parcel Tax on the FY 2015-2016 Santa Clara County Property Tax Roll", was adopted. (11-0.)

3.20 (a) Adopt a resolution to:

- (1) Amend the City of San José Pay Plan effective July 5, 2015, to create the following classification:
 - (a) Crime Prevention Supervisor (2234)
- (2) Amend the City of San José Pay Plan effective July 5, 2015, to change the salary range for the following classification:
 - (a) Mayor's Executive Officer U (8049)
- (3) Amend the City of San José Pay Plan effective July 5, 2015, to delete the following classifications:
 - (a) Athletic Stadium Groundskeeper (3415)
 - (b) Traffic Checker I FT/PT (3751/3752)
 - (c) Traffic Checker II FT/PT (3753/3754)
 - (d) Senior Planner (4124)

(b) Adopt a resolution to:

- (1) Amend the City of San José Pay Plan effective July 5, 2015, to create the following classifications:
 - (a) Building Inspector Combination Certified II (3902)
 - (b) Building Inspector Combination Certified III (3903)
 - (c) Building Inspector Combination Certified Senior (3904)
 - (d) Building Inspector Supervisor Certified II (3905)
- (2) Amend the City of San José Pay Plan effective July 5, 2015, to change the salary range and title for the following classifications:
 - (a) Building Inspector Combination Certified I (3915) (formerly Building Inspector/Combination Certified)
 - (b) Building Inspector Supervisor Certified I (3912) (formerly Building Inspector, Supervisor Certified)
- (3) Amend the City of San José Pay Plan effective July 5, 2015, to change the salary range for the following classifications:
 - (a) Building Inspector Manager (3910)
- (4) Amend the City of San José Pay Plan effective July 5, 2015, to delete the following classification:
 - (a) Building Inspector, Supervisor (3919)

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (Human Resources)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 23, 2015, recommending approving Staff recommendations associated with Item 3.20(b). (2) Memoranda from Director of Human Resources Joseph Angelo, dated June 10, 2015 and June 11, 2015, recommending adoption of resolutions.

3.20 (Cont'd.)

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Council Member Johnny Khamis and carried unanimously, the memorandum from Mayor Sam Liccardo, dated June 23, 2015, was approved, approving the Staff recommendations associated with Item 3.20(b) to amend the City Pay Plan for various building inspector classifications and Resolution No. 77410, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications" and Resolution No. 77411, entitled: "A Resolution of the Council of the City of San José Amending the City of San José Pay Plan for Various Job Classifications", were adopted. (11-0.)

- 3.7 (a) **Adopt a resolution to approve the terms of a Memorandum of Agreement with the San José Fire Fighters, International Association of Firefighters, Local 230 (IAFF Local 230) and authorizing the City Manager to execute the agreement with a term of July 1, 2014, to June 30, 2018.**
- (b) **Adopt the following 2014-2015 Appropriation Ordinance amendments in the General Fund:**
- (1) **Increase the Personal Services appropriation to the Fire Department in the amount of \$4,000,000.**
 - (2) **Decrease the Employee Compensation Planning Reserve in the amount of \$3,770,000.**
 - (3) **Decrease the Salaries and Benefits Reserve in the amount of \$230,000.**
- (c) **Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement, including the following:**
- (1) **Increase the General Fund Personal Services budget for the Fire Department in the amount of \$12,772,000; and b. Decrease the General Fund Salaries and Benefits Reserve in the amount of \$12,772,000.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 12, 2015, recommending adoption of a resolution, appropriation ordinance amendments and approval of the changes in the memorandum of agreement.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Yolanda Cruz, AFSCME Local 101, AFL-CIO, presented comments.

Mayor Sam Liccardo and City Manager Norberto Dueñas expressed their appreciation for the agreements.

Council Member Pierluigi Oliverio expressed opposition to Item 3.7 only.

3.7 (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried, Resolution No. 77412, entitled: "A Resolution of the Council of the City of San José Approving an Agreement Between the City of San José and the International Association of Firefighters, Local 230, With a Term of July 1, 2015-June 30, 2018 and Authorizing the City Manager to Execute An Agreement" and Ordinance No. 29588, entitled: An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the General Fund for the Personal Services Appropriation to the Fire Department; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted, and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement, including the following: Increase the General Fund Personal Services budget for the Fire Department in the amount of \$12,772,000 and decrease the General Fund Salaries and Benefits Reserve in the amount of \$12,772,000 were approved. (10-1. Noes: Oliverio.)

- 3.8 (a) **Adopt a resolution to approving the terms of a collective bargaining agreement between the City and the Association of Building, Mechanical, and Electrical Inspectors (ABMEI), and authorizing the City Manager to execute an agreement with a term of July 1, 2015, through June 30, 2018.**
- (b) **Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 18, 2015, recommending adoption of a resolution and approval of the changes in the memorandum of understanding.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77413, entitled: "A Resolution of the Council of the City of San José Approving an Agreement Between the City of San José and the Association of Building, Mechanical and Electrical Inspectors (ABMEI) With a Term of July 1, 2015-June 30, 2018 and Authorizing the City Manager to Execute an Agreement with ABMEI", was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 18, 2015, were approved. (11-0.)

- 3.9**
- (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Units 41/42, and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.**
 - (b) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Engineers and Architects, IFPTE, Local 21 (AEA), Unit 43, and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.**
 - (c) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 18, 2015, recommending adoption of a resolution and approval of the changes in the memorandum of agreement.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77414, entitled: “A Resolution of the Council of the City of San José Approving Agreements With the Association of Engineers and Architects, International Federation of Professional and Technical Engineers, Local 21, Units 41/42 and Unit 43, with the Terms of July 1, 2015 through June 30, 2018 and Authorizing the City Manager to Execute Agreements”, was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 18, 2015 were approved. (11-0.)

- 3.10**
- (a) Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Association of Legal Professionals (ALP), and authorize the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2017.**
 - (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 18, 2015, recommending adoption of a resolution and approval of the changes in the memorandum of agreement.

3.10 (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77415, entitled: “A Resolution of the Council of the City of San José Approving the Terms of an Agreement with the Association of Legal Professionals (ALP) with a Term of July 1, 2015 through June 30, 2017 and Authorizing the City Manager to Execute an Agreement with ALP”, was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 18, 2015, were approved. (11-0.)

- 3.11 (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP), and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.**
- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 18, 2015, recommending adoption of a resolution and approval of the changes in the memorandum of agreement.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77416, entitled: “A Resolution of the Council of the City of San José Approving an Agreement between the City of San José and the Association of Maintenance Supervisory Personnel (AMSP) with a Term of July 1, 2015 through June 30, 2018 and Authorizing the City Manager to Execute an Agreement with AMSP”, was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 18, 2015, were approved. (11-0.)

- 3.12 (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 (CAMP), and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.**
- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

3.12 (Cont'd.)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 18, 2015, recommending adoption of a resolution and approval of the changes in the memorandum of agreement.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77417, entitled: "A Resolution of the Council of the City of San José Approving an Agreement between the City of San José and the City Association of Management Personnel, IFPTE, Local 21 (CAMP) with a Term of July 1, 2015 through June 30, 2018 and Authorizing the City Manager to Execute an Agreement with CAMP", was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 18, 2015, were approved. (11-0.)

- 3.13 (a) **Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Confidential Employees' Organization, AFSCME Local 101 (CEO), and authorize the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2017.**
- (b) **Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 17, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 18, 2015, recommending adoption of a resolution and approval of the changes in the memorandum of agreement.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77418, entitled: "A Resolution of the Council of the City of San José Approving an Agreement between the City of San José and the Confidential Employees' Organization, AFSCME, Local 101 (CEO) with a Term of July 1, 2015 through June 30, 2017 and Authorizing the City Manager to Execute an Agreement with CEO", was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 18, 2015, were approved. (11-0.)

- 3.14 (a) Adopt a resolution approving the terms of a collective bargaining agreement between the City and the International Brotherhood of Electrical Workers, Local 332 (IBEW), and authorizing the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2017.**
- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 18, 2015, recommending adoption of a resolution and approval of the changes in the memorandum of agreement.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77419, entitled: “A Resolution of the Council of the City of San José Approving an Agreement between the City of San José and the International Brotherhood of Electrical Workers, Local No. 332 (IBEW) with a Term of July 1, 2015 through June 30, 2017 and Authorizing the City Manager to Execute an Agreement with IBEW”, was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 18, 2015, were approved. (11-0).

- 3.15 (a) Adopt a resolution to approve the terms of a Memorandum of Agreement with the International Union of Operating Engineers, Local Union No. 3 (OE#3), and authorizing the City Manager to execute the agreement with a term of July 1, 2015 through September 30, 2018.**
- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 16, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Replacement memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 16, 2015, transmitting excluded budget adjustments needed for documentation purposes and other revisions and recommending adoption of a resolution and approval of the changes in the memorandum of agreement.

3.15 (Cont'd.)

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77420, entitled: “A Resolution of the Council of the City of San José Approving the Terms of An Agreement between the City of San José and the Operating Engineers, Local No. 3 (OE#3) with a Term of July 1, 2015 through September 30, 2018 and Authorizing the City Manager to Execute an Agreement with OE#3”, was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 16, 2015, were approved. (11-0.)

- 3.16 (a) Adopt a resolution to approve the terms of a collective bargaining agreement between the City and the Municipal Employees’ Federation, AFSCME Local 101 (MEF), and authorize the City Manager to execute an agreement with a term of July 1, 2015 through June 30, 2018.**
- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 17, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

Documents Filed: Memorandum from Director of Employee Relations Jennifer Schembri and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 17, 2015, recommending adoption of a resolution and approval of the changes in the memorandum of agreement.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77421, entitled: “A Resolution of the Council of the City of San José Approving the Terms of An Agreement between the City of San José and the Municipal Employees’ Federation, AFSCME, Local 101 (MEF) with a Term of July 1, 2015 through June 30, 2018 and Authorizing the City Manager to Execute an Agreement with MEF”, was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 17, 2015, were approved. (11-0.)

- 3.17 (a) Adopt a resolution approving compensation and benefit changes for executive management and professional employees in Unit 99 and other unrepresented employees (Units 81/82), for Fiscal Years 2015-2016, 2016-2017, and 2017-2018.**
- (b) Approve the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the staff the memorandum dated June 18, 2015.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities, Personnel Related Decisions. (City Manager)

3.17 (Cont'd.)

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated June 18, 2015, recommending adoption of a resolution and approval of the changes in Attachment A.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Resolution No. 77422, entitled: “A Resolution of the Council of the City of San José Implementing Changes to Compensation and Benefits for Executive Management and Professional Employees (Unit 99) and Other Unrepresented Employees (Units 81/82) for Fiscal Years 2015-2016, 2016-2017 and 2017-2018, Subject to Annual Appropriations”, was adopted and the changes in the 2015-2016 Adopted Budget to reflect the proposed terms of the memorandum of agreement as outlined in Attachment A of the Staff memorandum dated June 18, 2015 were approved. (11-0.)

- 3.5
- (a) **Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2015-2016 and the Manager’s Final Budget Addendum.**
 - (b) **Adopt the Annual Funding Sources Resolution for Fiscal Year 2015-2016 and the Manager’s Final Budget Addendum.**
 - (c) **Adopt a resolution taking the following actions with respect to the City’s 2015-2016 “Gann Limit”.**
 - (1) **Elect the per capita income index as the inflation factor for 2015-2016 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor.**
 - (2) **Elect the City of San José population growth index as the population factor for 2015-2016.**
 - (3) **Establish the Fiscal Year 2015-2016 Appropriation Limit at \$985,739,131 in compliance with Article XIII B of the State Constitution.**

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)

Documents Filed: Memorandum from Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 18, 2015, recommending adoption of an appropriation ordinance and funding sources resolution amendments and a resolution.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Margie Matthews and carried unanimously, Ordinance No. 29589, entitled: “Annual Appropriation Ordinance of the City of San José for the City’s Fiscal Year Beginning July 1, 2015 and Ending June 30, 2016, Appropriating and Authorizing the Expenditure of Monies for the Operation of Each of the Offices, Departments and Agencies of the City During Said Fiscal Year and for Various Other Purposes and Objects for Said Fiscal Year; and Providing Transfers from Various City Funds to Other City Funds As May Be Necessary During Said Fiscal Year”; Resolution No. 77423, entitled: “A Resolution of

3.5 (Action Cont'd.)

the Council of the City of San José Adopting the Estimated Sources of Funds for Fiscal Year 2015-2016” and Resolution No. 77424, entitled: “A Resolution of the Council of the City of San José Electing the Population and Inflation Adjustment Factors and Establishing the 2015-2016 Appropriations Limit of the City of San José Pursuant to California Constitution Article XIII B and Section 7900 Et. Seq. of the California Government Code”, were adopted. (11-0.)

3.6 (a) Adopt a resolution:

- (1) **Authorizing the issuance and sale of the City of San José 2015 Tax and Revenue Anticipation Note (the “2015 Note”) in the not to exceed principal amount of \$100,000,000 to be sold through a private placement.**
 - (2) **Approving, in substantially final form, the Note Purchase Agreement and authorizing the Director of Finance or other authorized officers to execute the Note Purchase Agreement and other related documents, as necessary, in connection with the issuance of the 2015 Note and authorizing other related actions in connection therewith.**
- (b) **Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund for Fiscal Year 2015-2016:**
- (1) **Increase the estimate for Other Revenue in the amount of \$100,000,000.**
 - (2) **Increase the Citywide TRANs Debt Service appropriation to the Finance Department in the amount of \$100,000,000.**

CEQA: Not a Project, File No.PP10-069(a), City Organizational & Administrative Activities. (Finance/City Manager)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 3, 2015, recommending adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Director of Finance Julia H. Cooper responded to questions from Mayor Sam Liccardo.

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77425, entitled: “A Resolution of the Council of the City of San José Providing for the Borrowing of Funds for Fiscal year 2015-16 and the Issuance and Sale of the City of San José 2015 Tax and Revenue Anticipation Note In An Amount Not To Exceed \$100,000,000 and Approving the Execution of a Note Purchase Agreement Relating to Such Note and Authorizing Other Actions In Connection Thereof”; Ordinance No. 29590, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the General Fund for the Citywide Transportation Debt Service; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77426, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77423 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2015-2016 to Adjust Revenues in the General Fund”, were adopted. (10-0-1. Absent: Kalra.)

3.19 Adopt a resolution for the purchase and implementation of Human Resources, Payroll, Timekeeping, and Budget systems and authorize the City Manager to execute the following Agreements:

- (a) Authorize the City Manager to negotiate and execute an agreement with CherryRoad Technologies, Inc. as the project integrator for the implementation, training, and ongoing hosting services, and Oracle Taleo cloud subscription services, for a term commencing on or about July 6, 2015 and ending on or about September 30, 2021, with a maximum compensation not-to-exceed \$6,713,699, subject to the appropriation of funds.**
- (b) Authorize the City Manager to negotiate and execute the necessary documentation with Mythics for the purchase of Oracle Hyperion software licenses, and annual software maintenance and support and subscription services for up to five years ending on or about September 30, 2021, in an amount not to exceed \$806,664, subject to the appropriation of funds.**
- (c) Report on Request for Proposal and authorize the City Manager to execute an agreement with Leckey Consulting, Inc. (Roseville, CA) to provide overall project oversight and quality assurance on implementation of the Systems, for a total amount not to exceed \$489,860, inclusive of all time, travel, and expenses, for a fourteen month term starting on or about June 24, 2015 and ending on or about September 5, 2016.**
- (d) Approve a project contingency of \$917,740 that may be applied to the proposed agreements to fund any unanticipated costs associated with the implementation of this project.**
- (e) Approve amendments and change orders to any of the proposed agreements, not to exceed the contingency amount of \$917,740.**
- (f) Authorize the City Manager to transfer funding between the aforementioned agreements, not to exceed the \$8,010,223 aggregate not-to-exceed amounts listed above, plus the contingency amount of \$917,740 for a total of \$8,927,963, and purchase additional or alternate software solutions to those listed above in the event that a different solution(s) better meets the City's requirements as determined during the discovery phase of the Project.**

CEQA: Not a Project, File No. PP10-069(b), Administrative Activities. (Finance/ Human Resources/Information Technology/City Manager)

Documents Filed: (1) Memorandum from Director of Finance Julia H. Cooper, Senior Deputy City Manager/Budget Director Jennifer A. Maguire, Director of Human Resources Joseph Angelo and Chief Information Officer Vijay Sammeta, dated June 11, 2015, recommending adoption of a resolution. (2) Staff presentation on dated June 23, 2015 describing the Human Resources, Payroll Timekeeping and Budget Systems.

Chief Information Officer Vijay Sammeta presented the report and responded to Council questions and concerns.

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Pierluigi Oliverio and carried unanimously, Resolution No. 77427, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Take Various Actions with Regard to the Purchase and Implementation of the Human Resources, Payroll, Timekeeping and Budget Systems", was adopted. (11-0.)

CONSENT CALENDAR

Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0)

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29583** – Rezoning certain real property of approximately 2.35 acres situated on the northeast corner of Great Oaks Boulevard and Via Del Oro (100 Great Oaks Boulevard) from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District. CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. C15-013

Documents Filed: Proof of Publication of the Title of Ordinance No. 29583 executed on June 12, 2015, submitted by the City Clerk.

Action: Ordinance No. 29583 was adopted. (11-0.)

- (b) **ORD. NO. 29587** – Rezoning certain real property of approximately 1.04 gross acres situated on the north side of the Alameda approximately 310 feet west of Stockton Avenue from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Mitigated Negative Declaration, File No. PDC13-007, Resolution No. 76762, adopted 8/20/13. PDC15-003

Documents Filed: Proof of Publication of the Title of Ordinance No. 29587 executed on June 19, 2015, submitted by the City Clerk.

Action: Ordinance No. 29587 was adopted. (11-0.)

2.3 Approval of Council Committee Reports.

- (a) **Rules and Open Government Committee Report of May 27, 2015. (Mayor)**
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: The Rules and Open Government Committee Report dated May 27, 2015.

Action: The Rules and Open Government Committee Report was approved. (11-0.)

- 2.4 (a) **Request for an excused absence for Council Member Magdalena Carrasco from the Regular Meeting of the Rules and Open Government Committee on June 24, 2015 due to Authorized City Business: League of California Cities Annual Forum in Monterey, CA. (Carrasco)**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: Memorandum from Council Member Magdalena Carrasco, dated June 5, 2015, requesting an excused absence due to authorized City business.

Action: The absence for Council Member Magdalena Carrasco was excused. (11-0.)

2.5 **City Council Travel Reports.**

Mayor Sam Liccardo attended the U.S. Conference of Mayors in San Francisco held June 19, 2015 through June 22, 2015. Mayor Sam Liccardo had one-on-one meetings with other Mayors on topics such as homelessness, transportation, My Brother's Keeper and observed best practices in other cities throughout the Country.

Council Member Johnny Khamis traveled to Beijing, China, at his own expense, from June 15, 2015 through June 21, 2015 to represent the City of San José and to promote greater utilization of Mineta San José Airport by business travelers and tourists.

2.6 **Report from the Council Liaison to the Retirement Boards.**

There were none.

- 2.7 (a) **Adopt a resolution authorizing the City Attorney to negotiate and execute a Second Amendment to the Agreement with Leonidou & Rosin for litigation legal services in connection with the South San José Police Substation Project to extend the term through June 30, 2016, and increase the maximum compensation by \$200,000 for hourly fees and costs in a total amount not to exceed \$450,000.**
- (b) **Adopt the following Appropriation Ordinance amendments in the Neighborhood Security Bond Fund for Fiscal Year 2015-2016:**
- (1) **Increase an appropriation to the Police Department for the South San José Police Substation project by \$235,000.**
 - (2) **Decrease the Fire Station 37 (Willow Glen) Reserve by \$235,000.**

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney/City Manager)

Documents Filed: Memorandum from City Attorney Richard Doyle and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 11, 2015, recommending adoption of a resolution and appropriation ordinance amendments.

2.7 (Cont'd.)

Action: Resolution No. 77428, entitled: “A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a Second Amendment to the Agreement With Leonidou & Rosin for Litigation Legal Services Related to the South San José Police Substation Project In An Amount Not To Exceed \$450,000” and Ordinance No. 29591, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Neighborhood Security Bond Fund for the South San José Police Substation; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. (11-0.)

2.8 Adopt a resolution authorizing the City Attorney to execute a Twelfth Amendment to the Agreement for Legal Services with Hogan Lovells US LLP for legal services related to aviation matters at the Norman Y. Mineta San José International Airport, extending the term of the Agreement from June 30, 2015, to June 30, 2016, with no increase in the total contract amount of \$370,000. CEQA: Final Environmental Impact Report San José International Airport Master Plan Update, Resolution No. 67380 adopted 6/10/1997 and Final Supplemental Environmental Impact Report Norman Y. Mineta San José International Airport Master Plan Update, Resolution No. 71451, adopted 3/18/2003. (City Attorney)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 10, 2015, recommending adoption of a resolution.

Action: Resolution No. 77429, entitled: “A Resolution of the Council of the City of San José Authorizing the City Attorney to Execute a Twelfth Amendment to the Agreement for Legal Services with Hogan Lovells US LLP”, was adopted. (11-0.)

- 2.9 (a) Adopt a resolution authorizing the City Attorney to negotiate and execute:**
- (1) A sixth amendment to the agreement with Ice, Miller LLP (Ice Miller) for legal services in connection with retiree health and dental benefits and related tax issues, increasing the contract amount by \$50,000 for a total amount not to exceed \$300,000, subject to appropriation of funds as recommended below, and extending the term through June 30, 2016.**
 - (2) A second amendment to the continuation agreement with Renne Sloan Holtzman & Sakai, LLP (Renne Sloan) for legal services in connection with labor relations matters, increasing the amount of compensation by \$250,000, for a total amount not to exceed \$1,445,000, subject to appropriation of funds as recommended below, and extending the term through June 30, 2016.**

2.9 (b) Adopt the following Appropriation Ordinance amendments in the General Fund for Fiscal Year 2014-2015:

- (1) Increase the city-wide appropriation to the City Attorney's Office for Fiscal Reform Plan Outside Legal Counsel by the amount of \$243,000.**
- (2) Decrease the Fiscal Reform Plan Implementation Earmarked Reserve by the amount of \$243,000.**

CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical changes to the environment. (City Attorney/City Manager)

Documents Filed: Memorandum from City Attorney Richard Doyle and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 19, 2015, recommending adoption of a resolution and appropriation ordinance amendments.

Action: Resolution No. 77430, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute: (1) A Sixth Amendment to the Agreement with Ice, Miller LLP for Legal Services in Connection with Retiree Health and Dental Benefits and Related Tax Issues and (2) A Second Amendment to the Continuation Agreement with Renne Sloan Holtzman & Sakai, LLP for Legal Services in Connection with Labor Relations Matters" and Ordinance No. 29592, entitled: An Ordinance of the City of San José Amending Ordinance No. 29431 To Appropriate Monies in the Outside Legal Counsel; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (11-0.)

- 2.10 (a) Approve an agreement with Hanson Bridgett LLP to provide legal and investigative services as the Evaluator and Investigator to the San José Ethics Commission for a four-year term beginning on July 1, 2015 – June 30, 2019, in an amount not to exceed \$250,000, subject to appropriation of funds.**
- (b) Adopt a resolution to authorize the City Attorney to exercise the option to extend the Agreement for three (3) one-year terms commencing July 1, 2016 – June 30, 2019.**

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (City Clerk)

Documents Filed: Memorandum from City Attorney Richard Doyle, dated June 11, 2015, recommending approval of an agreement and adoption of a resolution.

City Attorney Richard Doyle responded to Council questions and concerns.

Action: Upon motion by Council Member Tam Nguyen, seconded by Council Member Chappie Jones and carried unanimously, an agreement with Hanson Bridgett LLP to provide legal and investigative services as the Evaluator and Investigator to the San José Ethics Commission for a four-year term beginning on July 1, 2015 – June 30, 2019, in an amount not to exceed \$250,000, subject to appropriation of funds was approved and Resolution No. 77431, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Exercise the Option to Extend the Agreement with Hanson Bridgett LLP to Provide Legal and Investigative Services as the Evaluator and Investigator to the San José Ethics Commission for Three One-Year Terms Commencing July 1, 2016 to June 30, 2019", was adopted. (11-0.)

2.11 Approve the following Board and Commission appointments:

- (a) Airport Commission:**
 - (1) District 1: Appoint Roy Truitt to a term expiring 6/30/17;**
 - (2) District 2: Appoint Tom Cruz to a term expiring 6/30/19;**
 - (3) District 4: Appoint Mark Schmidt to a term expiring 6/30/19;**
 - (4) District 6: Appoint Raymond Greenlee to a term expiring 6/30/19;**
 - (5) District 8: Appoint R. William Highlander to a term expiring 6/30/19;**
 - (6) District 9: Appoint Catherine Hendrix to a term expiring 6/30/17;**
 - (7) District 10: Appoint Dan Connolly to a term expiring 6/30/19;**
- (b) Arts Commission:**
 - (1) District 2: Appoint Freya Seeburger to a term expiring 6/30/18;**
 - (2) District 3: Re-appoint Peter Allen to a term expiring 6/30/18;**
 - (3) District 4: Re-appoint Tina Morrill to a term expiring 6/30/18;**
 - (4) District 6: Appoint Leanne Lindenlof to a term expiring 6/30/18;**
- (c) Downtown Parking Board:**
 - (1) Downtown Business Association Representative: Appoint Henry William Cord to a term expiring 6/30/19;**
- (d) Housing & Community Development Commission:**
 - (1) District 6: Appoint Steven Neff to a term expiring 6/30/19;**
 - (2) District 8: Appoint Lee Thompson to a term expiring 6/30/19;**
 - (3) District 10: Appoint Michael Fitzgerald to a term expiring 6/30/19;**
 - (4) District 2: Appoint Alex Shoor to a term expiring 6/30/19;**
- (e) Historic Landmarks Commission:**
 - (1) Appoint Anthony Raynsford to a term expiring 6/30/19;**
 - (2) Appoint Rachel Grothe to a term expiring 6/30/19;**
- (f) Human Services Commission:**
 - (1) District 1: Appoint Sandra Coats to a term expiring 12/31/18;**
 - (2) District 2: Appoint Nicholas Raisch to a term expiring 12/31/18;**
 - (3) District 4: Appoint Visar Jahiu to a term expiring 12/31/18;**
 - (4) District 6: Appoint Sarah Griffith to a term expiring 12/31/16;**
 - (5) Domestic Violence Service Provider or Survivor Representative: Appoint Harjit Kaur to a term expiring 6/30/19;**
- (g) Library and Early Education Commission:**
 - (1) District 4: Re-appoint Shailesh Dubale to a term expiring 6/30/19;**
- (h) Parks and Recreation Commission:**
 - (1) Citywide: Re-appoint Virginia Thomas to a term expiring 6/30/17;**
 - (2) District 1: Appoint Daphna Wolfe to a term expiring 6/30/17;**
 - (3) District 5: Appoint Ernesto Bernajo to a term expiring 6/30/17;**
 - (4) District 6: Appoint Demerris Brooks-Immel to a term expiring 6/30/19;**
 - (5) District 7: Appoint Trami Cron to a term expiring 6/30/17;**
 - (6) District 9: Re-appoint Rudy Flores to a term expiring 6/30/17;**
 - (7) District 10: Re-appoint Brian Quint to a term expiring 6/30/19;**
 - (8) District 3: Appoint Adelina Del Real to a term expiring 6/30/17;**

- 2.11 (i) **Senior Citizens Commission:**
- (1) **District 4: Appoint Victor Vurpillat to a term expiring 6/30/19;**
 - (2) **District 5: Re-appoint Rita Mora to a term expiring 6/30/17;**
 - (3) **District 6: Appoint Cynthia Sweet to a term expiring 6/30/19;**
 - (4) **District 7: Appoint Milan Balinton to a term expiring 6/30/17;**
 - (5) **District 8: Appoint Kulwant Chahal to a term expiring 6/30/19;**
 - (6) **District 10: Re-appoint Vincent Tarpey to a term expiring 6/30/19.**
 - (7) **Citywide: Appoint Janet King to a term expiring 6/30/17;**
 - (8) **District 2: Appoint Galvin Jackson to a term expiring 6/30/19.**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated June 12, 2015, recommending approval of the appointments. (2) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated June 19, 2015, transmitting the names of additional nominations to the Housing & Community Development Commission, Parks and Recreation Commission and the Senior Citizens Commission.

Brief Council discussion ensued.

Action: Upon motion by Council Member Tam Nguyen, seconded by Vice Mayor Rose Herrera and carried unanimously, the Board and Commission Appointments were approved per the recommendation as described in the Staff recommendations and the supplemental memorandum. (11-0.)

- 2.12 **Authorize travel for City Manager Norberto Dueñas to travel to Chicago, Illinois on June 29 - 30, 2015 to participate in the Knight Foundation's Applying Behavioral Insights to Cities Workshop. City Manager's Non Personal Services Appropriation. CEQA: Not a Project, File No. PP10-069, Administrative Activities. (City Manager)**

Documents Filed: Memorandum from City Manager Norberto Dueñas, dated June 10, 2015, requesting approval for travel.

Action: The travel request for City Manager Norberto Dueñas was approved. (11-0.)

- 2.13 (a) **Adopt a resolution to authorize the City Manager to negotiate and execute an agreement with the San Francisco Bay Wildlife Society, which is the fiscal agent for the Don Edwards San Francisco Bay National Wildlife Refuge, for the purpose of providing public education about water quality, pollution prevention, and protection of water dependent ecosystems.**
- (b) **Approve funding of up to \$130,000 for year one from July 1, 2015 through June 30, 2016, with two one-year options for renewal ending June 30, 2018, for a maximum not to exceed amount of \$390,000 over three years.**

CEQA: Not a Project. File No. PP10-066(e), Services that involve no physical changes to the environment. (Environmental Services)

2.13 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow, dated June 4, 2015, recommending adoption of a resolution and approval of funding. (2) Letter from the Treatment Plant Advisory Committee, Jamie L. Matthews, Chair, dated June 11, 2015, expressing concurrence with the Staff recommendations.

Action: Resolution No. 77432, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Grant Agreement With the San Francisco Bay Wildlife Society, As Fiscal Agent for the Don Edwards San Francisco Bay National Wildlife Refuge, For the Purpose of Providing Public Education about Water Quality, Pollution Prevention and Protection of Water Dependent Ecosystems", was adopted and funding of up to \$130,000 for year one from July 1, 2015 through June 30, 2016, with two one-year options for renewal ending June 30, 2018, for a maximum not to exceed amount of \$390,000 over three years was approved. (11-0.)

- 2.14 (a) **Approve a \$565,800 increase to the construction contingency amount of \$1,131,600 for a revised total contingency amount of \$1,697,400 and increasing the contract not-to-exceed amount from \$12,447,600 to a total revised contract amount not-to-exceed \$13,013,400.**
- (b) **Adopt a resolution authorizing the Director of Public Works to:**
- (1) **Negotiate and execute Contract Change Order No. 8 (CCO8) with Anderson Pacific Engineering Construction, Inc. for the 7100 – Digester Gas Compressor Upgrade Design-Build Project ("Project") in the amount of \$358,616;**
 - (2) **Negotiate and execute one or more change orders in excess of \$100,000 for the remaining duration of the Project, not to exceed the revised total contingency amount approved for the Project; and**
 - (3) **Negotiate and execute one or more change orders extending the project completion date from June 22, 2016 to March 19, 2017, for a total of 270 days beyond the original contract completion date of June 22, 2016.**

CEQA: Exempt, File No. PP13-060, CEQA Guidelines Section 15301, Existing Facilities; Additions to Structures Less than 10,000 square feet. (Environmental Services/Public Works)

Documents Filed: (1) Memorandum from Director of Environmental Services Kerrie Romanow and Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending approval of the contingency amount and adoption of a resolution. (2) Letter from the Treatment Plant Advisory Committee, Jamie L. Matthews, Chair, dated June 11, 2015, expressing concurrence with the Staff recommendations.

2.14 (Cont'd.)

Action: A \$565,800 increase to the construction contingency amount of \$1,131,600 for a revised total contingency amount of \$1,697,400 and increasing the contract not-to-exceed amount from \$12,447,600 to a total revised contract amount not-to-exceed \$13,013,400 was approved and Resolution No. 77433, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works To (1) Negotiate and Execute Contract Change Order with Anderson Pacific Engineering Construction, Inc. For the 7100-Digester Gas Compressor Upgrade Design-Build Project In The Amount of \$358,616; (2) Negotiate and Execute One or More Change Orders in Excess of \$100,000 for the Remaining Duration of the Project and (3) Negotiate and Execute One or More Change Orders Extending the Project Completion Date”, was adopted. (11-0.)

2.15 Accept the report on the Request for Bid for the purchase of mobile data computing equipment and accessories for the San José Police Department and adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Hewlett-Packard Company (Palo Alto, CA) for the purchase of mobile data computing equipment, consisting of 410 Getac B300 ruggedized laptops, docking stations, vehicle routers, replacement batteries, and internal/external antennas for the San José Police Department’s patrol vehicle fleet for a total amount not to exceed \$2,260,064; including warranty, delivery, sales tax, and electronic-recycling fees; and**
- (b) Execute subsequent Purchase Orders with Hewlett-Packard to purchase additional quantities of current and next generation models as may be required, at the same bid price during the initial twelve months and negotiated adjustments thereafter, subject to the appropriation of funds.**

CEQA: Not a Project, File No. PP10-066 (a) Purchase Order of Equipment with no change in the physical environment. (Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper, dated June 1, 2015, recommending acceptance of the report and adoption of a resolution.

Action: The report on the Request for Bid for the purchase of mobile data computing equipment and accessories for the San José Police Department was accepted and Resolution No. 77434, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchase Order with Hewlett-Packard Company for the Purchase of Mobile Data Computing Equipment for the San José Police Department’s Patrol Vehicle Fleet”, was adopted. (11-0.)

2.16 (a) Report on bids for Filter Media Replacement and Under-Drain Tile Repair Services and adopt a resolution to authorize the City Manager to execute a Purchase Order with Carbon Activated Corp (Compton, CA) for filter media replacement and under-drain repair tile services at the San José/Santa Clara Regional Wastewater Facility for the initial term of July 15, 2015 through September 15, 2015, in an amount not to exceed \$311,775.

- 2.16 (b) Approve a contingency of \$31,178 to execute change orders to cover any unforeseen changes or requirements that may arise during completion of services.**

CEQA: File No. PP11-043, San José-Santa Clara Regional Wastewater Facility Master Plan Final Environmental Impact Report, Resolution No. 76858, adopted on 11/19/13. (Finance)

Documents Filed: (1) City Council Action Request from Director of Finance Julia H. Cooper, dated June 1, 2015, recommending adoption of a resolution with related contingency. (2) Letter from the Treatment Plant Advisory Committee, Jamie L. Matthews, Chair, dated June 11, 2015, expressing concurrence with the Staff recommendations.

Action: Resolution No. 77435, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Purchase Order With Carbon Activated Corp for Filter Media Replacement and Under Drain Repair Tile Services at the San José/Santa Clara Regional Wastewater Facility”, was adopted and a contingency of \$31,178 to execute change orders to cover any unforeseen changes or requirements that may arise during completion of services was approved. (11-0.)

- 2.17 Adopt a resolution to authorize the City Manager to:**

- (a) Execute an Open Purchase Order with Wattis Construction (San José, CA) for Asphalt Walkways, Trails, and Parking Lot Repair and Maintenance Services in an amount not to exceed \$500,000 for the term beginning July 1, 2015 through June 30, 2016.**
- (b) Execute up to four, one-year options to renew the Purchase Order through June 30, 2020, subject to the annual appropriation of funds.**

CEQA: Exempt, File No. PP15-039, CEQA Guidelines Section 15301(c), Existing Facilities; Existing Highways, Sidewalks, Trails, etc. (Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77436, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Finance to Execute an Open Purchase Order with Wattis Construction for Asphalt Walkways, Trails and Parking Lot Repair and Maintenance Services In An Amount Not To Exceed \$500,000 for the Term Beginning July 1, 2015 through June 30, 2016 and To Execute Up to Four, One-Year Options to Renew the Purchase Order Through June 30, 2020, Subject to the Annual Appropriation of Funds”, was adopted. (11-0.)

- 2.18 Approve a grant agreement in an amount not to exceed \$1,040,000 to the County of Santa Clara to support ongoing operations of the Care Coordination Program and the Help Management Information System. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making. (Housing)**

Documents Filed: Memorandum from Interim Director of Housing Jacky Morales-Ferrand, dated June 1, 2015, recommending approval of the grant agreement.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: William Weyer expressed support to the Staff recommendations.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, a grant agreement in an amount not to exceed \$1,040,000 to the County of Santa Clara to support ongoing operations of the Care Coordination Program and the Help Management Information System was approved. (11-0.)

- 2.19 Approve the First Amendment to the Agreement for Rapid Re-Housing Services between the City of San José and San José Streets Team to increase the maximum funding by \$650,000 from \$650,000 to \$1,300,000 to implement an additional year of the Place-Based Rapid Re-housing Program. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts. (Housing)**

Documents Filed: City Council Action Request from Interim Director of Housing Jacky Morales-Ferrand, dated June 1, 2015, recommending approval of the first amendment to the agreement.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Robert Aguirre expressed support to the Staff recommendations.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, the First Amendment to the Agreement for Rapid Re-Housing Services between the City of San José and San José Streets Team to increase the maximum funding by \$650,000 from \$650,000 to \$1,300,000 to implement an additional year of the Place-Based Rapid Re-housing Program was approved. (11-0.)

- 2.20 Approve the Third Amendment to the Agreement with Athens Insurance Services, Inc., DBA Athens Administrators, to increase compensation by \$2,332,500 for a total amount not to exceed \$6,932,500, subject to appropriation of funds, and extending the term through June 30, 2016. CEQA: Not a Project, File No. P10-066(e), Services that involve no physical changes to the environment. (Human Resources)**

Documents Filed: Memorandum from Director of Human Resources Joseph Angelo, dated June 1, 2015, recommending approval of the third amendment to the agreement.

2.20 (Cont'd.)

Action: The Third Amendment to the Agreement with Athens Insurance Services, Inc., DBA Athens Administrators, to increase compensation by \$2,332,500 for a total amount not to exceed \$6,932,500, subject to appropriation of funds, and extending the term through June 30, 2016 was approved. (11-0.)

2.21 Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions for the Department of Parks, Recreation and Neighborhood Services identified in the “Compensation Paid by the City of San José” (Attachment A of the memorandum to Council) consistent with the 2015-2016 Adopted Budget.**
- (b) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the “Compensation Paid to the City of San José” (Attachment B of the memorandum to Council).**
- (c) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment B of the memorandum to Council for the specified programs and purposes identified as “Compensation Paid to the City” provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward for City Council approval of any required budgetary adjustments and appropriations actions necessary for such programs.**
- (d) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2015-2016 agreements and amendments as identified in “Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director” (Attachment C of the memorandum to Council) consistent with Adopted Budget amounts for the following City programs or services:**
 - (1) After School Education and Safety (ASES);**
 - (2) Bringing Everyone’s Strengths Together (BEST);**
 - (3) Citywide Aquatics Program;**
 - (4) Community Center Reuse Program (Reuse);**
 - (5) Family Camp Capital Improvement Agreement(s);**
 - (6) Family Camp Facility Use Agreement(s);**
 - (7) Grace Baptist Church;**
 - (8) Happy Hollow Education Program;**
 - (9) Leisure and Recreation Fee Class Vendor Agreements;**
 - (10) Leisure and Recreation Programs;**
 - (11) Little League Agreement(s);**

- 2.21 (d) (12) **Mayor’s Gang Prevention Task Force (MGPTF);**
(a) **Grant Revenue**
(b) **Related Sub-Contractor Agreements where applicable;**
(c) **Facility Use**
(d) **Memoranda of Understanding;**
(13) **Recreation of City Kids Program (ROCK);**
(14) **Revenue Agreements with sponsors, grantors, and contributors;**
(15) **Safe Summer Initiative Grant (SSIG);**
(16) **Senior Education and Outreach Grants;**
(17) **Senior Health and Wellness Grants (SHW);**
(18) **Senior Transportation Services;**
(19) **Silicon Valley Community Foundation (SVCF);**
(20) **Summer Food Service Program.**

CEQA: Not a Project, File PP10-066(e) Services that involve no change to the environment. (Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77437: entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Various Agreements and Amendments to Agreements and To Accept Grant Funds for Parks, Recreation and Neighborhood Services Programs and Authorizing the Director of Parks, Recreation and Neighborhood Services to Negotiate and Execute Various Agreements and Amendments to Agreements, All Consistent With the Amounts Budgeted for These Programs in the Adopted Budget for Fiscal Year 2015-2016 and Subject To Appropriation of Funds”, adopted. (11-0.)

- 2.22 **Adopt a resolution authorizing the City Manager to negotiate and execute a Fifth Amendment to the Operation and Maintenance Agreement with San José Golf, LLC for the Rancho Del Pueblo Golf Course, extending the term to March 3, 2016, and allowing the design and construct of a perimeter netting project at the Rancho Del Pueblo Golf Course. CEQA: Exempt, File No. PP15-058, CEQA Guidelines Section 15302 (Replacement or Reconstruction of Existing Structures). Council District 5. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., dated June 1, 2015, recommending adoption of a resolution.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77438, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Fifth Amendment to the Operation and Maintenance Agreement with San José Golf, LLC for the Rancho Del Pueblo Golf Course Extending the Term to March 3, 2016 and Allowing the Design and Construction of a Perimeter Netting Project”, was adopted. (10-1. Noes: Khamis.)

- 2.23 Adopt a resolution authorizing the City Manager or designee to negotiate and execute an Operations and Maintenance Agreement between the City of San José, the California Department of Toxic Substances Control; and Vista Montana Park Homes, LLC (affiliate Equity-Tasman Apartments, LLC) to satisfy requirements from the California Department of Toxic Substances Control regarding inspection, operation and maintenance of Vista Montana Park. CEQA: North San José Final Environmental Impact Report, Resolution No 72768, adopted on 6/21/2005. (Parks, Recreation and Neighborhood Services)**

Documents Filed: City Council Action Request from Interim Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano, dated June 1, 2015, recommending adoption of a resolution.

Council Member Margie Matthews moved approval of the Staff recommendations with direction to Staff to include the following additional language in the Operations and Maintenance Agreement: “and any other documents necessary between the City of San José and the California Department of Toxic Substances Control.” Council Member Pierluigi Oliverio seconded the motion.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77439, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Operations and Maintenance Agreement Between the City of San José, the California Department of Toxic Substances Control and Vista Montana Park Homes LLC to Satisfy Requirements from the California Department of Toxic Substances Control Regarding Inspection, Operation and Maintenance of Vista Montana Park”, was adopted. Staff was directed to include the following additional language in the Operations and Maintenance Agreement: “and any other documents necessary between the City of San José and the California Department of Toxic Substances Control.” (11-0.)

- 2.24 (a) Accept the report on the Request for Proposal for the purchase of a Ticketing and Management System for the Happy Hollow Park & Zoo and adoption of a resolution authorizing the City Manager to:**
- (1) Negotiate and execute an agreement with Siriusware, Inc. (Taos, NM) for the purchase and implementation of a Ticketing and Management System including hardware, software, data migration, training and related professional services, taxes, maintenance and support, spare parts and supplies for an initial five-year term ending May 2020, with a maximum compensation not-to-exceed \$561,000 for the five-year term, subject to the appropriation of funds.**
 - (2) Negotiate and execute an agreement with Elavon, Inc. (Atlanta, GA) for credit card payment gateway services, for an initial five-year term ending May 2020, with a maximum compensation estimated at \$128,000 for the five-year term, subject to the appropriation of funds;**
 - (3) Execute one-year options to extend the terms of the Siriusware and Elavon Agreements to provide ongoing maintenance, technical support services, and supplies after the initial five-year term, subject to the appropriation of funds.**

- 2.24 (a) (4) **Negotiate and execute amendments to the agreement with Siriusware to add or delete locations and enhance system functionality, not to exceed \$100,000, subject to the appropriation of funds.**
- (5) **Execute change orders to either the agreement with Siriusware or Elavon to cover any changes or requirements in the system design and implementation, for a cumulative total not to exceed \$66,000, subject to the appropriation of funds.**
- (b) **Adopt a resolution authorizing the City Manager to negotiate and execute an amendment to the existing agreement with OmniTicket Network to extend the term through March 31, 2016 to allow time for the implementation of the new system, and to increase the compensation by \$25,000 for the remainder of the term for a revised maximum total compensation of \$563,281.**
- (c) **Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: City-wide Parks purposes:**
- (1) **Increase the Beginning Fund Balance by \$329,000.**
- (2) **Decrease the Ending Fund Balance by \$63,000.**
- (3) **Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Happy Hollow Park and Zoo Ticketing and Management System in the amount of \$392,000.**

CEQA: Not a Project, File No. PP10-066 (a) Agreements and Contracts. (Finance/City Manager)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 2, 2015, recommending acceptance of the report, adoption of resolutions and appropriation ordinance and funding sources resolution amendments.

Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. responded to Council questions and concerns.

Action: Upon motion by Council Member Johnny Khamis, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77440, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager To Negotiate and Execute an Agreement With Siriusware, Inc. for the Purchase and Implementation of a Ticketing and Management System and To Negotiate and Execute An Agreement with Elavon, Inc. for Credit Card Payment Gateway Services for the Happy Hollow Park and Zoo”; Resolution No. 77441, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager To Negotiate and Execute an Amendment to the Existing Agreement with OmniTicket Network to Allow Time for the Implementation of the New Ticketing and Management System for the Happy Hollow Park and Zoo and To Increase the Compensation b \$25,000 for the Remainder of the Term for a Revised Maximum Compensation of \$563,281”; Ordinance No. 29593, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Construction Tax and Property Conveyance Tax Fund: Citywide Parks Purposes for the Happy Hollow Park and Zoo Ticketing and Management System; and Providing that this

2.24 (Action Cont'd.)

Ordinance Shall Become Effective Immediately Upon Adoption” and Resolution No. 77442, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 77423 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2015-2016 to Adjust Revenues in the Construction Tax and Property Conveyance Tax Fund: Citywide Parks Purposes”, were adopted. (11-0.)

2.25 Adopt a resolution to:

- (a) **Authorize Strategic Economics to examine all California State Board of Equalization sales and use tax records for the City of San José to inform the Four-Year Review of the Envision San José 2040 General Plan jobs and land use analysis;**
- (b) **Authorize Strategic Economics to examine California State Employment Development Department ES202 industry and employment data for the City of San José to inform the Four-Year Review of the Envision San José 2040 General Plan jobs and land use analysis;**
- (c) **Authorize the City Manager or his designee to negotiate and execute an Addendum to the City’s Memorandum of Understanding with the California State Employment Development Department to examine ES202 industry and employment data for economic development purposes.**

CEQA: Not a Project, File No. PP10-066(d), Agreements and Contracts. (Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated June 2, 2015, recommending adoption of a resolution.

Action: Resolution No. 77443, entitled: “A Resolution of the Council of the City of San José Authorizing Strategic Economics, Inc. to Examine All Sales and Use Tax Records of the California State Board of Equalization and To Examine ES202 Industry and Employment Data From the California State Employment Development Department (EDD) On Behalf of the City of San José In Order to Prepare a Jobs and Land Use Analysis Update to Inform the Four Year Review of the Envision San José 2040 General Plan and Authorizing the City Manager or Designee to Negotiate and Execute an Addendum to the Memorandum of Understanding with the EDD”, was adopted. (11-0.)

2.26 Adopt a resolution authorizing the City Manager to:

- (a) **Negotiate and execute amendments to the Master Agreements with the following vendors to provide temporary staffing to perform building inspection, plan review and related services to increase maximum compensation by \$2,000,000 for a revised not-to-exceed maximum compensation not to exceed \$5,000,000 for all the Agreements, subject to appropriation of funds:**
 - (1) **4Leaf, Inc.**
 - (2) **Bureau Veritas North America Inc.**
 - (3) **California Code Check Inc.**

- 2.26 (a) (4) **CSG Consultants Inc.**
(5) **Interwest Consulting Group Inc.**
(6) **Metropolitan Planning Group**
(7) **Pacific Municipal Consultants**
(8) **Shums Coda Associates**
(9) **TRB and Associates Inc.**
(10) **West Coast Code Consultants Inc.**
(11) **Willdan Engineering;**
- (b) **Exercise all remaining option years on the Agreements, with the last option year ending July 31, 2017, subject to appropriation of funds.**
- (c) **Execute subsequent amendments to the Agreements to adjust the compensation amount for each agreement as required, subject to appropriation of funds.**

CEQA: Not a Project, File No. PP10-069(c), Municipal Code or Policy Change that involves no changes in the physical environment. (Planning, Building and Code Enforcement/Finance)

Documents Filed: Memorandum from Director of Finance Julia H. Cooper and Director of Planning, Building and Code Enforcement Harry Freitas, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77444, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Amendments to the Master Agreements with Various Vendors to Provide Temporary Staffing to Perform Building Inspection, Plan Review and Related Services", was adopted. (11-0.)

- 2.27 **Adopt a resolution authorizing the City Manager to annually display the POW/MIA (Prisoner-of-War/Missing-in-Action) flag at City Hall on the following dates each year:**
- (a) **Armed Forces Day (3rd Saturday in May);**
(b) **Memorial Day (Last Monday in May);**
(c) **Flag Day (June 14);**
(d) **Independence Day (July 4); and**
(e) **Veterans Day (November 11).**

CEQA: Exempt, CEQA Guidelines Section 15061(b)(3), No possibility of a Significant Effect on the Environment. (Public Works)

Action: Item 2.27 was renumbered to Item 3.24. See Item 3.24 for Action.

- 2.28 **Adopt resolutions approving and confirming the Annual Budget Reports for Fiscal Year 2015-2016 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: File No. PP13-057, Landscape Maintenance. Council Districts: 2, 3, 4 & 8. (Public Works)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending adoption of resolutions.

2.28 (Cont'd.)

Action: Resolution No. 77445, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 1 (Los Paseos) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77446, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 2 (Trade Zone Boulevard-Lundy Avenue) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77447, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 5 (Orchard Parkway-Plumeria Drive) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77448, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 8 (Zanker-Montague) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77449, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 9 (Santa Teresa-Great Oaks) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77450, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 11 (Brokaw Road From Junction Avenue to Old Oakland Road) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77451, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 13 (Karina-O’Nel) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77452, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 15 (Silver Creek Valley) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77453, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 18 (The Meadowlands) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77454, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 19 (River Oaks Area Landscaping) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77455, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 20 (Renaissance-North First Landscaping) for Fiscal Year 2015-2016 and Levying Assessments”, Resolution No. 77456, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 21 (Gateway Place-Airport Parkway) for Fiscal Year 2015-2016 and Levying Assessments” and Resolution No. 77457, entitled: “A Resolution of the Council of the City of San José Approving the Annual Budget Report for Maintenance District 22 (Hellyer Avenue-Silver Creek Valley Road) for Fiscal Year 2015-2016 and Levying Assessments”, were adopted. (11-0.)

- 2.29 Approve the proposed Second Amendment to Cooperative Agreement #6 with the Santa Clara Valley Transportation Authority (VTA) to: (1) extend the term of the agreement to December 31, 2018; and (2) increase the maximum cost reimbursement for City of San José project management services to an amount not to exceed \$940,000 for the period of January 1, 2012 through December 31, 2018. CEQA: Final Environmental Impact Report prepared by the VTA for the extension of the BART system to Berryessa in City was certified and related findings adopted by the VTA Board on December 9, 2004, the Final Supplemental Environmental Impact Report prepared for the Project was certified and related findings adopted by the VTA Board on June 7, 2007, and the Final Supplemental Environmental Impact Report #2 prepared for the Project was certified and related findings adopted by the VTA Board on March 3, 2011. By Resolution 76126 adopted January 24, 2012, City Council adopted findings as a responsible agency under CEQA concurring with the analysis in the EIRs. Council District: 4. (Public Works)**

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending approval of the second amendment to the Cooperative Agreement #6.

Action: The proposed Second Amendment to Cooperative Agreement #6 with the Santa Clara Valley Transportation Authority (VTA) to: (1) extend the term of the agreement to December 31, 2018; and (2) increase the maximum cost reimbursement for City of San José project management services to an amount not to exceed \$940,000 for the period of January 1, 2012 through December 31, 2018. CEQA: Final Environmental Impact Report prepared by the VTA for the extension of the BART system to Berryessa in City was certified and related findings adopted by the VTA Board on December 9, 2004, the Final Supplemental Environmental Impact Report prepared for the Project was certified and related findings adopted by the VTA Board on June 7, 2007, and the Final Supplemental Environmental Impact Report #2 prepared for the Project was certified and related findings adopted by the VTA Board on March 3, 2011. By Resolution 76126 adopted January 24, 2012, City Council adopted findings as a responsible agency under CEQA concurring with the analysis in the EIRs was approved. (11-0.)

- 2.30 Adopt a resolution authorizing the City Manager to accept, on behalf of the City, seventeen governmental purpose properties, as set forth in the memorandum to Council, to be transferred to the City of San José from the Successor Agency to the Redevelopment Agency of the City of San José. CEQA: Exempt, File No. PP15-061, CEQA Guidelines Section 15061(b)(3), Projects that have No Potential for Causing a Significant Effect on the Environment. (Successor Agency)**

Documents Filed: Memorandum from Successor to the Redevelopment Agency Managing Director Richard A. Keit and Deputy City Manager/Director of Economic Development Kim Walesh, dated June 12, 2015, recommending adoption of a resolution.

2.30 (Cont'd.)

Action: Resolution No. 77458, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Accept on Behalf of the City, Seventeen Governmental Purpose Properties to be Transferred to the City of San José from the Successor Agency to the Redevelopment Agency of the City of San José” was adopted. (11-0.)

2.31 Adopt a resolution:

- (a) **Approving the Downtown San José Property-Based Improvement District Annual Report prepared by the Downtown San José Property Owners Association for Fiscal Year 2015-2016 as filed or modified by Council.**
- (b) **Confirming the individual assessments including the five (5) percent increase as proposed by the Downtown San José Property Owners Association, or as modified by Council.**
- (c) **Directing that the City baseline services contribution in the amount of \$365,000 be continued in Fiscal Year 2015-2016.**
- (d) **Directing the Director of Public Works to deliver the assessment roll to the County for collection with the property taxes.**

CEQA: Not a Project, File No. PP10-069(a), Assessments and Annual Reports. Council District 3. (Transportation/Public Works)

Documents Filed: Memorandum from Director of Transportation James Ortbal and Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending adoption of a resolution.

Action: Resolution No. 77459, entitled: “A Resolution of the Council of the City of San José (1) Approving the Downtown San José Property Based Improvement District Annual Report Prepared by the Downtown San José Property Owners Association for Fiscal Year 2015-2016 As Filed or Modified by the City Council; (2) Confirming the Individual Assessments as Proposed by the Downtown San José Property Owners Association, Or As Modified by the City Council, Including the Assessment on City Owned Property and the Assessment on Successor Agency Owned Property; (3) Directing that the City Baseline Services Contribution in the Amount of \$365,000 Be Continued in Fiscal Year 2015-2016 and (4) Directing the Director of Public Works to Deliver the Assessment Roll to the County of Santa Clara for Collection with the Property Taxes”, was adopted. (11-0.)

2.32 Report on bids and award of an on-call contract for the 7710 – 2015 General Engineering Contract for Transportation Projects to the lowest responsive bidder, Grade Tech Inc., in the amount of \$1,500,000 with no individual task order for the construction of a public works project to exceed \$100,000. CEQA: File No. PP13-057. Exempt, CEQA Guidelines Section 15301(h), Existing Facilities, Maintenance of Existing Landscaping. (Transportation)

Documents Filed: Memorandum from Director of Transportation James Ortbal, dated June 1, 2015, recommending approval of the report on bids and the award of the contract to the low bidder.

2.32 (Cont'd.)

Action: The report on bids and award of an on-call contract for the 7710 – 2015 General Engineering Contract for Transportation Projects to the lowest responsive bidder, Grade Tech Inc., in the amount of \$1,500,000 with no individual task order for the construction of a public works project to exceed \$100,000 were approved. (11-0.)

**2.33 As recommended by the Rules and Open Government Committee on May 27, 2015, approve the purchase of a Speed Radar Gun. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Oliverio)
[Rules Committee referral 5/27/15 – Item G(7)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 11, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The purchase of a Speed Radar Gun was approved. (11-0.)

2.34 As recommended by the Rules and Open Government Committee on June 10, 2015:
(a) Approve the District 5 Grammercy Neighborhood Area Beautification/ Dumpster Day as a City Council sponsored Special Event and approve the expenditures of funds.
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
**CEQA: Exempt, File No. PP13-056, CEQA Guidelines, Section 15301(h), Existing Facilities. (Carrasco)
[Rules Committee referral 6/10/15 – Item G(1)(a)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 11, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 5 Grammercy Neighborhood Area Beautification/ Dumpster Day as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.35 (a) Approve travel by Council Member Carrasco to Nashville, Tennessee from November 4 – 7, 2015 to attend the National League of Cities Conference. Source of Funds: Mayor/Council Travel Budget.
(b) Request for an excused absence for Council Member Carrasco from the Closed Session and the Regular Meeting of the City Council on November 3, 2015.
(c) Request for an excused absence for Council Member Carrasco from the Regular Meeting of the Rules and Open Government Committee on November 4, 2015.
**CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Carrasco)
(Rules Committee referral 6/17/15)**

2.35 (Cont'd.)

Documents Filed: Three memoranda from Council Member Magdalena Carrasco, all dated June 11, 2015, requesting authorization for travel and excused absences.

Action: The travel request for Council Member Magdalena Carrasco was approved and the absences due to authorized City business were excused. (11-0.)

2.36 (a) Approve the Canada Day Flag Raising scheduled on June 29, 2015 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

**CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Kalra)
(Rules Committee referral 6/17/15)**

Documents Filed: Memorandum from Council Member Ash Kalra, dated June 15, 2015, recommending approval of the Canada Day Flag Raising and expenditure of funds, and acceptance of donations.

Action: The Canada Day Flag Raising scheduled on June 29, 2015 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

**2.37 Retroactively approve travel by Council Member Peralez to San Diego, CA from January 23 - 25, 2015 to attend the National League of Cities' Latino Caucus board retreat. Source of Funds: Council District 3 Office budget. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Peralez)
(Rules Committee referral 6/17/15)**

Documents Filed: Memorandum from Council Member Raul Peralez requesting retroactive approval of travel.

Action: The travel request for Council Member Raul Peralez for authorized City business was approved. (11-0.)

**2.38 Approve travel by Council Member Rocha to Denver, CO from September 16-18, 2015 for the San José Silicon Valley Chamber of Commerce Annual Study Mission. Source of Funds: Council District 9 budget. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Rocha)
(Rules Committee referral 6/17/15)**

Documents Filed: Memorandum from Council Member Donald Rocha, dated June 10, 2015, requesting approval of travel.

Action: The travel request for Council Member Donald Rocha for authorized City business was approved. (11-0.)

- 2.39 Consideration of adoption of a resolution approving a Planned Development Permit to allow the demolition of an existing building and the construction of a 168 multi-family attached residence building and 22,696 square feet of commercial space on the real property located on the north side of The Alameda approximately 315 feet westerly of Stockton Avenue. CEQA: Addendum to the Mitigated Negative Declaration for the 785-807 The Alameda Project (File No. PDC13-007), Resolution No. 76762, adopted 8/20/13. Council District 6. (Planning Building, and Code Enforcement) PD15-003
(Rules Committee referral 6/17/15)**

Documents Filed: Memorandum from Planning Commission Secretary Harry Freitas, dated June 2, 2015, transmitting the recommendation of the Planning Commission and the Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. PD15-003 dated May 11, 2015.

Action: Resolution No. 77460, entitled: “A Resolution of the Council of the City of San José Approving a Planned Development Permit, Subject to Conditions, To Allow Development of Up to 168 Attached Residential Units and 22,696 Square Feet of Commercial Uses on a 1.04 Gross Acre Site Located on the North Side of the Alameda Approximately 310 Feet West of Stockton Avenue (785-807 Alameda Place)”, was adopted. (11-0.)

- 2.40 Approve an Easement Agreement in which Planned Parenthood Mar Monte, Inc. grants an Easement for Ingress and Egress Access from Alum Rock Avenue through its property located at 3131 Alum Rock Avenue to the City’s public parking lot that is located adjacent to the property at no cost to the City. CEQA: Negative Declaration adopted by the Director of Planning on November 19, 1987 for File Numbers H87-074 and V87-014. Council District 5. (Economic Development)
(Rules Committee referral 6/17/15)**

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Walesh, dated June 12, 2015, recommending approval of an easement agreement.

Action: An Easement Agreement in which Planned Parenthood Mar Monte, Inc. grants an Easement for Ingress and Egress Access from Alum Rock Avenue through its property located at 3131 Alum Rock Avenue to the City’s public parking lot that is located adjacent to the property at no cost to the City was approved. (11-0.)

- 2.41 As recommended by the Rules and Open Government Committee on June 17, 2015:**
- (a) Approve the District 5 Capitol/Goss Neighborhood Area Beautification/ Dumpster Day as a City Council sponsored Special Event and approve the expenditures of funds.**
 - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.**
- CEQA: Exempt, File No. PP13-056, CEQA Guidelines, Section 15301(h), Existing Facilities. (Carrasco)**
[Rules Committee referral 6/17/15 – Item G(1)(a)]

2.41 (Cont'd.)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 18, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 5 Capitol/Goss Neighborhood Area Beautification/Dumpster Day as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (11-0.)

2.42 As recommended by the Rules and Open Government Committee on June 17, 2015, adopt a position of opposition for AB 57 (Quirk) Telecommunications: Wireless Telecommunication Facilities. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

Documents Filed:

Action: A Position of Opposition for AB 57 was adopted.

**2.43 As recommended by the Rules and Open Government Committee on June 17, 2015, adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Squire Patton Boggs LLP, for legislative representation services in Washington, D.C. for the period July 1, 2015 through June 30, 2019 for a total not to exceed \$576,000, subject to the appropriation of funds. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)
[Rules Committee referral 6/17/15 – Item G(4)]**

Documents Filed: (1) Memorandum from Council Member Chappie Jones, dated June 19, 2015, recommending reducing the length of the proposed agreement with Squire Patton Boggs LLP from four years to two years. (2) Memorandum from City Clerk Toni J. Taber, CMC, dated June 18, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Council Member Chappie Jones proposed reducing the length of the proposed agreement with Squire Patton Boggs LLP from four years to two years per his memorandum dated June 19, 2015.

Mayor Sam Liccardo recommended that the agreement with Squire Patton Boggs LLP, for legislative representation services be modified to a term of one year in lieu of four years.

Motion: Council Member Chappie Jones moved approval of the Staff recommendations with the recommendation from Mayor Sam Liccardo to modify the term of the agreement to one year. Vice Mayor Rose Herrera seconded the motion.

2.43 (Cont'd.)

City Manager Norberto Dueñas responded to Council questions.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77461: entitled: Authorizing the City Manager to Negotiate and Execute an Agreement with Squire Patton Boggs LLP for Legislative Representation Services in Washington, D.C. for the Period of July 1, 2015 through June 30, 2016 for a Total Not To Exceed \$144,000, Subject to the Appropriation of Funds”, was adopted. (11-0.)

2.44 As recommended by the Rules and Open Government Committee on June 17, 2015:

- (a) **Accept invitation from the Bay Area Water Supply and Conservation Agency to attend an educational tour of the Hetch Hetchy Reservoir and San Francisco Public Utilities Commission key facilities from June 24-25, 2015. As organized, BAWSCA will pay for the cost for travel, lodging, and meals.**
- (b) **Approve travel to the Hetch Hetchy Reservoir for Weston Starbird as the Mayor of San José's representative on the tour.**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor) [Rules Committee referral 6/17/15 – Item G(6)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated June 18, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The invitation from the Bay Area Water Supply and Conservation Agency to attend an educational tour of the Hetch Hetchy Reservoir and San Francisco Public Utilities Commission key facilities from June 24-25, 2015. As organized, BAWSCA will pay for the cost for travel, lodging, and meals was accepted and travel to the Hetch Hetchy Reservoir for Weston Starbird as the Mayor of San José's representative on the tour was approved. (11-0.)

END OF CONSENT CALENDAR

RECESS/RECONVENE

The City Council recessed at 12:33 p.m. from the morning Council Session and reconvened at 1:33 p.m. in the Council Chambers, City Hall.

Present: Council Members - Campos, Chu, Constant, Herrera, Kalra, Khamis, Liccardo, Nguyen, Oliverio, Rocha; Reed.

Absent: Council Members - All Present.

INVOCATION

Bishop Ken Hill, The Church of Jesus Christ of Latter-Day Saints offered the Invocation.
(District 6)

CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation recognizing June 27 and 28, 2015 as, “Radio Amateur Civil Emergency Service (R.A.C.E.S.) Field Day,” in the City of San José. (Mayor)
Heard at 1:30 p.m.**

Mayor Sam Liccardo, Council Member Tam Nguyen and City Manager Norberto Dueñas recognized June 27 through June 28, 2015 as “Radio Amateur Civil Emergency Service Field Day” in San José.

- 1.5 Presentation of a commendation to the California Native Plant Society for their accomplishments and contributions within Alum Rock Park (Matthews/Carrasco) (Rules Committee referral 6/17/15)
Heard at 1:30 p.m.**

Mayor Sam Liccardo and Council Members Matthews and Carrasco recognized and commended the California Native Plant Society.

- 1.6 Presentation of a commendation to Dr. John Porter for his service to the City of San José since 2006, that has yielded a lasting partnership between the Franklin-McKinley School District, the City, County, State and Federal Governments through his leadership (Mayor)
Heard at 1:30 p.m.**

Mayor Sam Liccardo recognized and commended Dr. John Porter.

STRATEGIC SUPPORT SERVICES

3.4 (a) **Hold a Public Hearing on proposed 2015-2016 Sewer Service and Use Charges and proposed maximums for rate increases in 2016-2017 and 2017-2018; and direct staff to return during the 2016-2017 and 2017-2018 budget cycles with recommendations regarding rate increases consistent with staff recommended maximum rate increases noticed for those years.**

(b) **Adopt a resolution setting the following Sewer Service and Use Charge rates for 2015-2016:**

<u>Category</u>	<u>2015-2016 Monthly Rates</u>
Single-Family Residential	\$33.75
Multifamily Residential	\$22.62 per unit
Mobile Home	\$25.48 per unit
Non-Monitored Commercial and Industrial	See Attachment A
Monitored Industrial	See Attachment A

(c) **Adopt a resolution setting the following Storm Sewer Service Charge rates for 2015-2016:**

<u>Category</u>	<u>2015-2016 Monthly Rates</u>
Single-Family Residential and Duplex	\$7.87
Mobile Home	\$3.94 per unit
Residential Condominium	\$4.30 per unit
Large Multifamily Residential (5 or more units)	\$4.30 per unit
Small Multifamily Residential (3-4 units)	\$14.95
Commercial, Institutional and Industrial	See Attachment B

CEQA: Not a Project, File No. PP10-067 (a) Increases or Adjustments to Fees, Rates & Fares. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, dated June 1, 2015, recommending holding a public hearing and adoption of resolutions.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: Martha O'Connell and David Wall provided comments about the 2015-2016 Sewer Service and Use Charges.

Mayor Sam Liccardo closed the Public Hearing.

City Clerk Toni J. Taber, CMC announced that the Office of the City Clerk has obtained 75 valid written protests representing less than 1% of all property owners impacted by the change in rates, therefore the Council may accept the Staff recommendations for the Sewer Service and Use Charge Increase. City Clerk Taber added that it would take over 2,100 speakers in opposition to create a valid protest.

3.4 (Cont'd.)

Action: Upon motion by Council Member Pierluigi, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77462, entitled: "A Resolution of the Council of the City of San José Setting Schedules of Sanitary Sewer Service and Use Charges for Fiscal Year 2015-2016 and Superseding Resolution No. 77012" and Resolution No. 77463, entitled: "A Resolution of the Council of the City of San José Setting Schedules of Sanitary Sewer Service and Use Charges for Fiscal Year 2015-2016 and Superseding Resolution No. 77013", were adopted. (11-0.)

****Note: Items 3.5 through 3.71, 3.19 and 3.20 were heard at the morning Council Session.****

3.18 Approve one of the following alternatives related to the two required air monitoring stations in the 2001 Cooperation Agreement with CalPine/Metcalf Energy and delegate authority to the City Manager to execute the steps outlined in the memorandum to Council for the selected option:

- (a) **Alternative 1: Calpine Reimburses City to Build and Operate Northern and Southern Station for A Term of 25 Years.**
- (b) **Alternative 2: Calpine Makes Payment In Lieu For Both Stations, City Builds And Operates Both Stations.**
- (c) **Alternative 3: Calpine Reimburses City To Build And Operate Northern Station Only For A Term Of 25 Years.**
- (d) **Alternative 4: Calpine Makes Payment In Lieu For Both Stations, City Earmarks Monies For Community Project.**

CEQA: Exempt, File No. PP15-056, CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. (City Manager)

Documents Filed: Memorandum from Council Member Ash Kalra, dated June 19, 2015, recommending deferral of Item 3.18 to the evening of the August 18, 2015 Meeting.

Action: Deferred to evening of August 18, 2015.

3.21 As recommended by the Salary Setting Commission, approve an ordinance establishing the following salaries and benefits for the Mayor and City Council for the next two Fiscal Years, the period July 1, 2015 through June 30, 2017:

- (a) **For the Mayor, increase the authorized salary from \$114,000 annually to \$125,000 annually.**
- (b) **For each Council Member, increase the authorized salary from \$81,000 annually to \$92,000 annually.**
- (c) **Retain the levels of health, dental, life insurance and other benefits in accordance with the benefits provided to management employees in Unit 99.**
- (d) **Retain the current retirement benefits offered under the CalPERS Tier 2 Plan and the PTC 457 Defined Contribution Plan.**
- (e) **Increase the vehicle allowance from \$350 per month to \$500 per month for the Mayor and each member of the City Council.**

- 3.21 (f) Continue to require Council Members to pay \$250 for each unexcused absence at scheduled Council meetings, pursuant to City Charter Section 407.**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

(Deferred from 5/19/15 – Item 3.3)

Action: Deferred to August 2015 per Rules and Open Government Committee.

- 3.22 (a) Approve new items for the Council Priority list.**

(b) Rank items on Council Priority list.

CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (City Manager)

(Deferred from 6/16/15 – Item 3.3)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Raul Peralez, dated June 9, 2015, re-nominating Illegal Fireworks Ordinance. (2) Memorandum from Vice Mayor Rose Herrera, dated June 9, 2015, allowing secondary detached units. (3) Memorandum from Vice Mayor Rose Herrera and Council Member Johnny Khamis, dated June 18, 2015, referring rental rights. (4) Memorandum from Council Member Raul Peralez, dated June 9, 2015, nominating adopting sustainable development goals and requirements for storefront activation in the downtown. (5) Memorandum from Council Member Ash Kalra, dated June 9, 2015, nominating wage theft, local hiring and green leaf blower. (6) Memorandum from Council Member Chappie Jones, dated June 9, 2015, nominating the land utilization pilot program. (7) Memorandum from Council Member Pierluigi Oliverio, dated May 26, 2015, nominating Director-Initiated Rezoning Program, news racks in business districts and conservation area ordinance streamlining. (8) Memorandum from Council Member Donald Rocha, dated June 9, 2015, nominating dual plumbing ordinance, prohibiting tobacco sales to persons under 21, land use regulations for new school development and allow noncommercial users at recycled water fill stations. (9) Memorandum from Council Member Ash Kalra, dated June 18, 2015, recommending withdrawing Wage Theft Part B from the nominations. (10) Memorandum from Council Member Ash Kalra, dated June 19, 2015, including direction to prioritize a Good Jobs Ordinance. (11) Memorandum from Council Member Ash Kalra, dated June 23, 2015, providing clarification on the ranking. (12) Memorandum from Council Member Raul Peralez, dated June 22, 2015, providing additional direction for the priority setting session. (13) Memorandum from Assistant City Manager David Sykes, dated June 11, 2015, recommending approval of the new items for the priority list and asking Council to rank the items on the priority list. (14) Supplemental memorandum from Assistant City Manager David Sykes, dated June 18, 2015, updating the list of nominated ideas. (15) Staff presentation dated June 23, 2015 summarizing the Council Priority Setting Session. (16) Council Member ballots dated June 23, 2015. (17) Sixty Five letters of correspondence from the public all dated June 23, 2015 expressing comments and concerns about the Council Priority Session.

3.22 (Cont'd.)

City Manager Norberto Dueñas and Assistant City Manager David Sykes presented introductory remarks. Assistant to the City Manager Teri Killgore offered background information about the ranking process for today.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing comments and suggestions for ranking items on the Council Priority List were Craig Gorman, Vincent Rocha, Santa Clara County Association of Realtors; Don Gagliardi, Deb Kramer, Keep Coyote Creek Beautiful; Martha O'Connell, Ruth Silver Taube, Huy Tran, Tomas Margain, Justice at Work Law Group; Ruth Greathouse, Winchester Ranch HOA; Joshua Howard, California Apartment Association; Phil Mastrocola, Mike Henshaw, Bob Brownstein, Michael Fitzgerald, Bridget McKay, Frank Bommarito, Alice Kaufman, Committee for Green Foothills; Kurtis R. Reed, Jim Castellanos, Casco Property Management; Louis Auerhohne, Working Partnerships USA; Charles Eggen, Isaac Agar, Melissa Morris, Law Foundation of Silicon Valley; John Hyjer, Equity Residential; Robert Chen, Todd Rothbard, Viet Nguyen Lawson, Georgia Platts, Mark Van Der Hewel, Jonathan Lizann, Sheet Metal workers Local 104; Criag Chivatero, Suzanne Morrone, Bill Guthrie, Josue Garcia, Building Trades Council; John Darryaple, Frederick Rehhausser, Bruce Freville, Dream Menders; Gerry Hunt, Craig Dunkerley, Santa Clara County Democratic Club; Neil Struthers, Dina Click, Kathy Veglahn, Aurelia Sanchez, Nevil, David Poeschel, Sierra Club; Larry Ames, Mr. Phillips, David Eisbach, William White, Wedgewood Properties; Helen Chapman, David Perry, Eduardo Cerna, Eric Katz, Javier Vega, Shevlin de la Rosa, People Acting in Community Together; Hadie Lane, Kathy Hurley, Maria Morgany, Richard Matthews, Kimberly Davis, David Hanleigh, John Roive, Maher Louis, Kyra Kazantzis, Law Foundation of Silicon Valley; Ron Johnson, Sandy Perry, Affordable Housing Network Anthony King, Sacred Heart Housing Committee; Greg Haas, Roberta Moore, Nubia Rmairez, Val Kazimirov, Rostan Sarvian, Via Monte Rental Properties; Laura Munouia, Larry Ames, Scott Lane, Leonard Williams, Phil Olmstead, Brian Darby, Shaunn Cartwright, Robert Aguirre, Rosalinda Navarro and Shani Kleinhaus.

Extensive Council discussion ensued.

Listed below are the final results from the ranking process.

<u>POLICY NAME:</u>	<u>VOTES</u>
(1) Wage Theft (Parts A, B and C)	10
(2) Update Rental Rights and Referrals Program; Ordinance Prohibiting Discrimination Based on Income Source	9
(3) Local Hiring/Local Business/Apprentice Utilization Program	8
(4) Massage Parlor Regulation	8
(5) Mobile Home Conversions	8
(6) Illegal Fireworks Ordinance	7

3.22 (Cont'd.)

<u>POLICY NAME:</u>	<u>VOTES</u>
(7) Riparian Corridor and Bird-Safe Buildings	7
(8) Commercial Impact Fee for Affordable Housing	6
(9) Allowing Secondary Detached Units in San José	5
(10) Disadvantaged Business Enterprises	3
(11) North San José Policy Review	2
(12) Development Agreement Policy	1
(13) Downtown Parks Maintenance District and High-Rise Incentive Program	1
(14) Real Estate Transactions Streamlining (Phase 3)	1
(15) San José is Open for Business/Legal Non-Conforming Uses	1
(16) Food and Clothing Distribution at City Parks	0
(17) Graywater Systems	0
(18) Off-Sale of Alcohol at Grocery Stores Streamlining	0
(19) Peddler Permits Enforcement/Outdoor Mobile Vendor Policy	0
(20) Surplus Land Sale	0
(21) Zoning Ordinance Quarterly Modifications (Recurring)	0

3.23 Adopt a resolution approving compensation and benefit changes for Council Appointees, for Fiscal Years 2015-2016, 2016-2017, and 2017-2018, consistent with compensation and benefit changes to Executive Management (Unit 99). CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor) (Rules Committee referral 6/17/15)

Documents Filed: Memorandum from Mayor Sam Liccardo, dated June 17, 2015, recommending adoption of a resolution.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77464, entitled: “A Resolution of the Council of the City of San José to Approve Compensation and Benefit Changes for Council Appointees for Fiscal Years 2015/2016, 2016/2017 and 2017/2018”, was adopted. (11-0.)

3.24 Adopt a resolution authorizing the City Manager to annually display the POW/MIA (Prisoner-of-War/Missing-in-Action) flag at City Hall on the following dates each year:

- (a) **Armed Forces Day (3rd Saturday in May)**
- (b) **Memorial Day (Last Monday in May)**
- (c) **Flag Day (June 14)**
- (d) **Independence Day (July 4)**
- (e) **Veterans Day (November 11)**

CEQA: Not a Project, File No. PP10-069(c), Municipal Code or Policy change that involves no changes in the physical environment. (Public Works)

Note: Item 3.24 was renumbered From Item 2.27.

3.24 (Cont'd.)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 19, 2015, providing direction to the City Manager as described in “Action” below. (2) Memorandum from Vice Mayor Rose Herrera and Council Members Peralez, Jones and Nguyen, dated June 19, 2015, recommending approval of the Staff recommendations with additions as described in “Action” below. (3) Memorandum from Interim Director of Public Works Barry Ng, dated June 5, 2015, recommending adoption of a resolution. (4) Three letters from the public all dated June 23, 2015 expressing support to the Staff recommendations and the memorandum from Mayor Sam Liccardo and the memorandum from Vice Mayor Rose Herrera and Council Members Peralez, Jones and Nguyen.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing support to the memoranda from the Mayor and Council Members and the Staff recommendations were David Sanders, Vietnam Veterans of America; Frances McVey, President, United Veteran Council; Cang Dong, Associates of Vietnam Veterans of America; J.D. Dueñas, Richard McCoy, Shaunn Cartwright and David Wall.

Motion: Vice Mayor Rose Herrera moved approval of the memorandum from Mayor Sam Liccardo, the memorandum she cosigned with Council Members Peralez, Jones and Nguyen and the Staff recommendations as described below in “Action”. Council Member Raul Peralez seconded the motion.

Council Members Kalra, Khamis and Peralez expressed their support to the motion on the floor.

Mayor Sam Liccardo expressed a special appreciation to the Veterans who came to the Council Meeting today.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo, dated June 19, 2015, was approved, deferring the Flag Display Policy to the August 11, 2015 Council Agenda. The City Manager was directed to: (1) Return with additional policy alternatives for raising the POW/MIA Flag 365 days a year. (2) Direct Staff to raise the National POW/MIA Flag the week of June 28, 2015 for Independence Day. (3) Direct the City Manager to conduct further outreach to Veteran’s groups for input regarding the policy alternatives. The memorandum from Vice Mayor Rose Herrera and Council Members Peralez, Jones and Nguyen, dated June 19, 2015, approving the Staff recommendation to amend the Flag Display Policy to include display of the POW/MIA Flag with the addition of the following dates: (1) March 30 – Welcome Home Vietnam Day. (2) Third Friday of September – POW/MIA Day and Resolution No. 77465, entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Annually Display the POW/MIA Flag at City Hall on Armed Forces Day, Memorial Day, Flag Day, Independence Day and Veterans Day”, was adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

Heard at 1:30 p.m. per Noticing.

- 4.1 (a) **Conduct a Public Hearing and adopt a resolution to approve the Downtown Business Improvement District budget report for fiscal year 2015-2016, as filed or modified by Council, to levy the Downtown BID assessments for 2015-2016, and to suspend collection of the Downtown BID assessments for the businesses that qualify for the business tax financial hardship exemption under the City's general business tax ordinance. CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3), No possibility of a Significant Effect on the Environment. Council District 3. (Economic Development)**
- (b) **Conduct a Public Hearing and adopt a resolution to approve the Hotel Business Improvement District budget report for fiscal year 2015-2016, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2015-2016. CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3), No possibility of a Significant Effect on the Environment. (Economic Development)**
- (c) **Conduct a Public Hearing and adopt a resolution to approve the Japantown Business Improvement District budget report for fiscal year 2015-2016, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2015-2016. CEQA: Exempt, File No. PP08-048, CEQA Guidelines Section 15061(b)(3), No possibility of a Significant Effect on the Environment. Council District 3. (Economic Development)**

Documents Filed: (1) Memoranda from Deputy City Manager/Director of Economic Development Kim Walesh, all three dated June 1, 2015, recommending adoption of resolutions. (2) Three Proofs of Publications of Notices of Public Hearings, all three executed on June 12, 2015, submitted by the City Clerk.

Mayor Sam Liccardo opened the Public Hearing.

Public Comments: There was no public testimony from the floor.

City Clerk Toni J. Taber, CMC noted that there were no written protests.

Mayor Sam Liccardo closed the Public Hearing.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, Resolution No. 77466, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Downtown Business Improvement District for Fiscal Year 2015-2016, Levying Assessments in the Bid for Fiscal Year 2015-2016 and Suspending the Collection of Assessments for Businesses that Quality for the Business Tax Financial Hardship Exemption Under the

4.1 (Action Cont'd.)

City's General Business Tax Ordinance"; Resolution No. 77467, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Hotel Business Improvement District for Fiscal Year 2015-2016 and Levying Assessments in the Bid for Fiscal Year 2015-2016" and Resolution No. 77468, entitled: "A Resolution of the Council of the City of San José Approving the Budget Report of the Japantown Business Improvement District for Fiscal Year 2015-2016 and Levying Assessments in the Bid for Fiscal Year 2015-2016", were adopted. (11-0.)

- 4.2 (a) **Approve the purchase and sale agreement with Pamela G. Allison, as Trustee of The Howard J. Gustin Exemption Trust; The Howard J. Gustin Marital Trust; and the Helen A. Gustin Survivor's Trust in the amount of \$4,700,000, for the purchase of land located along the eastern side of South 3rd Street north of Keyes Street, San José, CA, APN 472-115-023 for the future construction of Martha Gardens-Spartan Keyes Park.**
- (b) **Adopt a resolution authorizing the City Manager or his designee, to execute the purchase and sales agreement and a separate lease agreement, leasing the property back to the seller or its affiliate and all other documents necessary to complete these transactions.**
- (c) *Adopt a resolution authorizing the City Manager or his designee, to negotiate and execute the brokerage service agreement with Arthur J. Gallagher & Company in an amount not-to-exceed \$7,500 to:*
- (1) *Schedule the Spartan Keyes property to the City's environmental liability insurance policy, policy # PRE-3659357-00.*
 - (2) *Perform claims-related management services if required.*
- (d) *Adopt a resolution authorizing the City Manager or his designee, to purchase the aforementioned additional environmental liability coverage for approximately \$42,500. The current policy was procured on September 23, 2014, and will remain in effect for a 10 year term, \$10,000,000 per occurrence/aggregate coverage with a \$100,000 policy deductible.*

Note: Items 4.2(c) and (d) were eliminated per Staff and not approved on June 23, 2015.

- (e) **Adopt the following 2015-2016 Appropriation Ordinance amendments in the Subdivision Park Trust Fund:**
- (1) **Decrease the Future PDO/PIO Project Reserve by \$964,000;**
 - (2) **Eliminate the Spartan Keyes Area Park Development Reserve in the amount of \$3,900,000.**
 - (3) **Establish the Spartan Keyes Area Park Land Acquisition appropriation in the Parks, Recreation and Neighborhood Services Department in the amount of \$4,864,000.**

CEQA: Public Project Exemption, File No. PP15-057, CEQA Section 15316 - Transfer of Ownership of Land in Order to Create Parks. (Economic Development/ Parks, Recreation and Neighborhood Services/City Manager)

4.2 (Cont'd.)

Documents Filed: Memorandum from Deputy City Manager/Director of Economic Development Kim Welsh, Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 5, 2015, recommending approval of the purchase and sale agreement and adoption of resolutions and appropriation ordinance amendments.

Division Manager Marybeth Harasz noted for the record that Staff was eliminating Items 4.2(c) and (d) because insurance was not required and clarified that the Project File Number is PP15-057.

Division Manager Marybeth Harasz responded to Council questions and concerns.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Aurelia Sanchez expressed support to the Staff recommendations.

Action: Upon motion by Council Member Raul Peralez, seconded by Vice Mayor Rose Herrera and carried unanimously, the purchase and sale agreement with Pamela G. Allison, as Trustee of The Howard J. Gustin Exemption Trust; The Howard J. Gustin Marital Trust; and the Helen A. Gustin Survivor's Trust in the amount of \$4,700,000, for the purchase of land located along the eastern side of South 3rd Street north of Keyes Street, San José, CA, APN 472-115-023 for the future construction of Martha Gardens-Spartan Keyes Park was approved; Resolution No. 77469, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager or His Designee to Execute a Purchase and Sale Agreement with Pamela G. Allison, as Trustee of the Howard J. Gustin Exemption Trust, The Howard J. Gustin Marital Trust and the Helen A. Gustin Survivor's Trust for the Purchase of Approximately 1.34 Acres Located at 1098 South Third Street for the Future Construction of the Martha Gardens-Spartan Keyes Park, In The Amount of \$4,700,000; and To Execute a Lease Agreement Leasing the Property Back to the Seller or Its Affiliate"; and Ordinance No. 29594, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Subdivision Park Trust Fund for the Spartan Keyes Area Park Land Acquisition; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", were adopted, with the following approved clarifications: (1) Eliminate Items 4.2(c) and (d). (2) The CEQA number was corrected to PP15-057. Insurance coverage was not required on Items 4.2(c) and (d) and therefore not approved. (11-0.)

TRANSPORTATION & AVIATION SERVICES

- 6.1 (a) **Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Taxi San José to provide on-demand ground transportation dispatch and management services at the Norman Y. Mineta San José International Airport for the period from August 1, 2015 through August 1, 2020, with options for the City Manager to extend the agreement for up to five (5) additional one-year periods through August 1, 2025.**

Action: Amended and reflected in “Final Action.”

- (b) **Adopt a resolution authorizing the City Manager to exercise up to five (5) one-year options to extend the agreement through August 1, 2025.**

Action: Item 6.1(b) was not Approved. See “Final Action.”

- (c) **Consider whether additional direction should be given to maintain the current on-demand taxicab and door-to-door shuttle model until such time that Citywide regulations of taxicabs are reviewed and revised, but no later than July 1, 2016.**

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)

Action: Item 6.1(c) was not approved. The initial recommendation (c) was proposed in the memorandum from Mayor Sam Liccardo, dated May 29, 2015. Subsequent memorandum from Mayor Sam Liccardo, dated June 22, 2015, proposed the actions listed below in Items (1), (2) and (3) and were approved by the Council. See “Final Action”.

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated June 22, 2015, recommending direction to the City Manager. (2) Memorandum from Vice Mayor Rose Herrera, and Council Members Nguyen and Khamis, dated June 18, 2015, recommending acceptance of the Staff recommendations with direction. (3) Memorandum from Director of Aviation Services Kimberly J. Becker, dated May 11, 2015, recommending approval of an agreement with Taxi San José and adoption of a resolution. (4) Supplemental memorandum from Director of Aviation Services Kimberly J. Becker, dated June 2, 2015, noting that Staff has received a valid protest from an unsuccessful proposer for the On-Demand Ground Transportation Dispatch and Management Services Request for Proposal (Request for Proposal) that required a response from Staff. (5) Supplemental memorandum from Director of Aviation Services Kimberly J. Becker, dated June 19, 2015, providing information related to the Protest and the Staff Response. (6) Staff presentation dated June 23, 2015 summarizing the On Demand Taxi Dispatch Program Award Recommendation. (7) Statement and Declaration of Conflict of Interest Form from Council Member Magdalena Carrasco dated June 23, 2015, disclosing a conflict of interest due to income from Yellow Checker Cab. (8) Letter from Joan R. Gallo, Hopkins & Carley, dated May 28, 2015, regarding the TNCs at the Airport and the Taxi Service Model.

6.1 (Cont'd.)

Mayor Sam Liccardo noted for the record that Council Member Magdalena Carrasco will abstain from participating in Council discussion and voting on Item 6.1 due to a conflict of interest.

Director of Aviation Services Kimberly J. Becker offered the Staff Report on the On Demand Taxi Dispatch Program.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: The following speakers expressed comments and suggestions: Sherry Singh, Rajiv Batra, Harvinder Singh, American Cab Inc.; Ragnbir Singh Lalhi, Bikram Jeet Singh, California Cab Company; Harpal Chahal, Dinesh Kundu, Marvin Cuaresma, Silver Cab Company; Abdirahman Ali, Larry Silva, Gurjeet Singh, Aklilu Bette, Ahmed M. Hersi, Jatinder Mann, Yellow Checker Cab/Rainbow Cab; Tony Alexander UFCWS; Mark Resurreccion, Kebede Kaba, Taxi San José; Varinder Kumar, Jatinder Kumar, Steve Kumar, Classic Cab; Said, Salan Buni, Dwit Ayek, Risseha Wondemu, Ricky I. Shakur, Sadia Abees, Hassan Igal, Berne Ahem, Rahul Malih, Habte Abraha, Engida, Navtejpal, Kirpal Bajwa, San José Taxi Drivers; Daniel, Devpal Hazarn, Khanh Pham, Lyft; Omar Tawkel, Gurcharan Singh, Karan Deep, Kumlachow Buzumch, Shukur Bunh, Abdirahman Ateye, Hailemariam Tesfay, Abyneh Shumie, Green Cab and Nelson Adjei, City Cab.

Mayor Sam Liccardo offered revisions to his memorandum dated June 22, 2015, which are described in detail in “Action” on Page 52.

Motion: Council Member Raul Peralez moved approval of the Staff recommendations and the memorandum from Mayor Sam Liccardo, dated June 22, 2015, including the revisions from the Mayor, as described in detail in “Action” on Page 52. Council Member Donald Rocha seconded the motion.

Substitute Motion: Vice Mayor Rose Herrera moved approval of the memorandum from she cosigned with Council Members Nguyen and Khamis, dated June 18, 2015, recommending acceptance of the Staff recommendations with direction. Council Member Tam Nguyen seconded the motion.

Director of Aviation Services Kimberly J. Becker responded to Council questions and concerns.

6.1 (Cont'd.)

On a call for the question, the substitute motion failed. (3-8. Noes: Carrasco, Jones, Khamis, Matthews, Oliverio, Peralez, Rocha; Liccardo.

The original motion was back on the floor for discussion.

Extensive Council discussion ensued.

Final Action: On a call for the question, the original motion carried unanimously, the revised memorandum from Mayor Sam Liccardo, dated June 22, 2015, was approved, with the following direction to the City Manager: (1) Decline to implement the contemplated changes and instead maintain the current models for on-demand taxicab and door-to-door shuttle regulation until such time the citywide regulations of taxicabs are comprehensively reviewed and revised by this Council. (2) Return to the Transportation and Environment Committee no later than October 2015 with an update and revised citywide regulations and modernized technology implementation, particularly in dispatch to reduce costs on customers and providers. (3) If determined necessary by the City Attorney's Office, extend the existing Taxi San José contract until January 31, 2016, delegating the City Manager authority to negotiate and execute the extension with the following modifications: (a) Allocate company permits as described by Airport Staff at the June 23, 2015 Council Meeting. (b) Begin collection of the Airport cost recovery fee of \$1.95. Staff was further directed: (1) To allocate unused driver permits to all companies. (2) To enforce a rule that would not allow individual drivers with permits to drive on their off days under a company permit. Resolution No. 77472, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Second Amendment to the On Demand Ground Transportation Management Agreement with Taxi San José, Inc.", was adopted. (10-0-0-1. Abstain: Carrasco.)

6.2 **Approve a Management and Operating Plan for Transportation Network Companies that meet all requirements necessary to issue a Ground Transportation Permit at the Norman Y. Mineta San José International Airport. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Airport)** **(Deferred from 6/2/15 – Item 6.3, 4/14/15 – Item 6.1 and 5/19/15 – Item 6.1)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Raul Peralez, dated June 19, 2015, recommending acceptance of the Staff recommendations with modifications as described in detail in "Action". (2) Replacement memorandum from Mayor Sam Liccardo, dated June 2, 2015, recommending that this item be deferred from June 2, 2015 to today's meeting and the City Manager to provide information at that time. (3) Memorandum from Director of Aviation Services Kimberly J. Becker, dated May 21, 2015, recommending approval of a Management and Operating Plan for Transportation Network Companies. (4) Supplemental memorandum from Director of Aviation Services Kimberly J. Becker,

6.2 (Cont'd.)

Documents Filed: (Cont'd.) dated June 2, 2015, informing Council that Staff has received a valid protest from an unsuccessful proposer that requires a response from Staff. (5) Supplemental memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated June 2, 2015, providing an update on the status of AB 24 (Nazarian) Transportation Network Companies: Public Safety. (6) Supplemental memorandum from Director of Aviation Services Kimberly J. Becker, dated June 19, 2015, noting that Staff has received inquiries regarding the proposed Airport TNC Management and Operating Plan. (7) Supplemental memorandum from Director of Aviation Services Kimberly J. Becker, dated June 19, 2015, addressing the list of 15 questions on the memorandum from Mayor Sam Liccardo, dated June 2, 2015. (8) Staff presentation dated June 23, 2015 summarizing the Transportation Network Companies (TNCs) Operating at San José Mineta International Airport. (9) Statement and Declaration of Conflict of Interest Form from Council Member Magdalena Carrasco dated June 23, 2015, disclosing a conflict of interest due to income from Yellow Checker Cab. (10) TNC Requirements by Airport dated June 23, 2015 submitted by Carl Guardino, Silicon Valley Leadership Group. (11) Letter from Joan Gallo, Hopkins and Carley, dated May 28, 2015, regarding the TNC at the Airport and the Taxi Service Model. (12) Three letters from the public all dated June 23, 2015 requesting that this item be deferred.

Mayor Sam Liccardo reiterated for the record that Council Member Magdalena Carrasco will abstain from participating in Council discussion and voting on Item 6.2 due to a conflict of interest.

Director of Aviation Services Kimberly J. Becker presented the Staff Report on Transportation Network Companies (TNCs) Operating at San José Mineta International Airport.

Motion: Vice Mayor Rose Herrera moved approval of the memorandum she cosigned with Mayor Sam Liccardo and Council Member Raul Peralez, dated June 19, 2015, as described in detail in “Action” below. Council Member Raul Peralez seconded the motion.

Mayor Sam Liccardo requested to amend the motion to strike out (5) on the memorandum. Vice Mayor Rose Herrera and Council Member Raul Peralez accepted the Mayor’s amendment.

Council Member Johnny Khamis suggested deferring this item to August 2015 until there is more clarity and until Staff has more time to look at the underlying questions and have more of an educated solution.

Substitute Motion: Council Member Johnny Khamis moved to defer this item to August 2015. Council Member Chappie Jones seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

6.2 (Cont'd.)

Public Comments: The following speakers expressed comments and suggestions: Tony Alexander, UFCW5; Steve Kuman, Classic Cab; Sheer Singh, Larry Silva, Yellow Checker Cab/Rainbow Cab; David McWalters, Ms Mark, Michele Gottu, Michelle Arzaga, Rick Porter, Nathan Yap, Alex Leupp, Tim Burr, Jose Luis Lean, Alexandra Krantzler, Kaya Anderson, Lyft; Balwinder Singh, Durrani Tobal, Sunny Singh, Green Cab; Harpal Chahal, Marvin Cuaresma, Silver Cab; Sherry Singh, American Cab Company; Bikram Jeet Singh, Mohamed Ali, Ricky Shakur, Shakur Buni, Engida, Gebre Beraki, Yellow Checker Cab; Kebede Kaba, Rahul Malik, Nelson Adei, Jatinder Mann, Kirpal Bajwa, San José Taxi Drivers; Ali Roble, Greg Schorff, Palo Alto City Council; Robert Vaccarezza, Rico Williams, Klair, Maggie Tian, Abdirashid Mohamed, Ray Budriumas, Mohammed Ahmed, Uber; Zhen Yan Tang, Melissa Mallory, Navtejpal Singh, Carl Guardino and Zoe Mullendore, Silicon Valley Leadership Group.

Director of Aviation Services Kimberly J. Becker responded to Council questions and concerns.

Extensive Council discussion ensued.

On a call for the question, the substitute motion failed. (4-6-0-1. Noes: Herrera, Matthews, Nguyen, Oliverio, Peralez; Liccardo. Abstain: Carrasco.)

Mayor Sam Liccardo requested that Staff continue to provide status updates to the Transportation and Environment Committee.

Action: On a call for the question, the original motion carried, the revised memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Raul Peralez, dated June 19, 2015, was approved, accepting the Staff recommendations with the following modifications: (1) Approve the recommended TNC management and operation plan as a pilot program for a period of one (1) year beginning on September 1, 2015. (2) Subject all drivers to fingerprint/background checks pending CAO determination of City regulatory authority to do so. In the event the City is not preempted from requiring background checks above and beyond what is required by the CPUC, fingerprinting should be administered by a City approved third party entity. (3) In the event the City Manager finds that vehicle inspections by TNCs are inadequate, the inspections shall be administered by a City approved third party entity. (4) Issue permits only to TNCs that are in compliance with CPUC regulations. (5) All outstanding charges/proceedings brought by the CPUC must be settled prior to the issuance of a permit were dropped. (6) Full payment of all fees and fines for past operations and violations must be complete as a condition of operation. (7) TNC drivers servicing the airport shall have Business Tax Licenses. (8) During the term of the pilot direct Staff to: (a) Gather the data necessary to determine the market-share impact of TNCs on the “on-demand” program at the airport. (b) Measure passenger safety based upon criteria such as accidents/incidents and operational/security issues involving TNCs. (c) On monthly basis, audit and examine vehicle trips via geo-fence tracking at airport entry, passenger pick up, airport exit and in

6.1 (Action Cont'd.)

the cell phone waiting area. The data should be used for enforcement and verification of monthly trip reports and associated trip fees. (d) Monitor and analyze compliance with all of the terms of the pilot program. (9) Permitted TNCs shall pay for the cost of the pilot program and all other charges/fees occasioned by its operations or activities on or about the airport. (7-3-0-1. Noes: Jones, Kalra, Rocha. Abstain: Carrasco.)

4.3 Adopt a resolution to:

- (a) **Authorize the Interim Director of Housing to negotiate and execute a Workout Agreement between Neighborhood Housing Services Silicon Valley (NHSSV) and the City to include:**
- (1) **Assignment of all NHSSV generated homebuyer loans originated from either City grant funds or City provided HOME funds to the City;**
 - (2) **Return to the City the balances of all restricted accounts including repayments of loans originated from City funding sources totaling approximately \$3,500,000;**
 - (3) **Release NHSSV from its obligation to repay \$115,000 in HOME funds to the City;**
 - (4) **Allow NHSSV to use \$274,000 of funds in restricted accounts to fund eligible operating expenses for administration of the homeownership services through the Home Ownership Center;**
 - (5) **Allow NHSSV to use \$105,000 of funds in restricted accounts to fund eligible operating expenses to support administration of the Home Ownership Center.**
- (b) **Authorize the Interim Director of Housing to terminate the grant agreement as part of the workout and to negotiate and execute and record any assignments and other related documents needed to implement the terms of the Workout Agreement with NHSSV or any successor.**

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Housing)

Documents Filed: (1) Memorandum from Interim Director of Housing Jacky Morales-Ferrand, dated June 12, 2015, recommending adoption of a resolution and authorization for the Interim Director of Housing to terminate the grant agreement as part of the workout and to negotiate and execute and record any assignments and other related documents needed to implement the terms of the Workout Agreement with NHSSV or any successor. (2) Email from James Zahradka, Law Foundation of Silicon Valley, dated June 23, 2015, expressing support to the Staff recommendations.

Interim Director of Housing Jacky Morales-Ferrand provided a brief report and noted that the amount of \$105,000 might be insufficient and that \$95,000 more was needed.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Bob Dolci, Neighborhood Services of Silicon Valley expressed support to the Staff recommendations.

4.3 (Cont'd.)

Motion: Council Member Donald Rocha moved approval of the Staff recommendation with an additional authority increase up to \$200,000. Vice Mayor Rose Herrera seconded the motion.

Interim Director of Housing Jacky Morales-Ferrand and Matt Huerta, Neighborhood Services of Silicon Valley responded to Council questions and concerns.

Mayor Sam Liccardo and Council Member Raul Peralez expressed support to the motion on the floor.

Action: On a call for the question, the motion carried unanimously, Resolution No. 77474, entitled: "A Resolution of the Council of the City of San José Authorizing the Interim Director of Housing to Negotiate and Execute a Workout Agreement with Neighborhood Housing Services Silicon Valley and To Terminate the Grant Agreement and Execute Any Related Documents Needed to Implement Transportation and Environment Committee Terms of the Workout Agreement", was adopted, with an additional authority increase up to \$200,000, as authorized by Council. (11-0.)

- 4.4 (a) **Conduct a Public Hearing regarding the proposed annexation of Annexation Area No. 2 into Zone C of Maintenance District 15 (Silver Creek Valley) and at the close of the public hearing, direct the City Clerk to tabulate the property owner ballots and report the results.**
- (b) **If the majority of the votes tabulated are weighted in favor of the proposal, adopt a resolution:**
- (1) **Declaring the ballot tabulation results;**
 - (2) **Approving the engineer's report, base assessment and annual adjustments and annex Annexation Area No. 2 into Zone C of Maintenance District 15;**
 - (3) **Imposing the assessments on those properties within the Annexation Area No. 2 as proposed in the engineer's report.**

CEQA: Mitigated Negative Declaration, File No. PDC09-007 and Exempt, File No. PD10-019. Council District 8. (Public Works)

Heard at 1:30 p.m. per Noticing.

Documents Filed: Memorandum from Interim Director of Public Works Barry Ng, dated June 1, 2015, recommending conducting a public hearing and adoption of a resolution.

Mayor Sam Liccardo stated that Council will be opening the public hearing

Mayor Sam Liccardo opened the Public Hearing in order to hear and consider all testimony by interested persons relating to the annexation to the District. Mayor Sam Liccardo added that all ballots must be submitted to the City Clerk by the close of the public hearing in order to finalize the count.

4.4 (Cont'd.)

Public Comments: There was no public testimony from the floor. Mayor Sam Liccardo closed the Public Hearing.

Mayor Sam Liccardo directed the City Clerk's Office to tabulate the ballots received for this assessment ballot proceeding and pointed out that the City Clerk will not accept any further ballots.

City Clerk Toni J. Taber, CMC affirmed that property owners with a total of 1,629 votes have returned ballots in support of the annexation and levy of assessments; property owners with a total of 1,221 votes have returned ballots in opposition to the annexation and levy of assessments. City Clerk Toni J. Taber, CMC stated that the proposed annexation has passed and the Council may proceed with the vote.

Action: Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Pierluigi Oliverio and carried unanimously, Resolution No. 77475 was adopted. (11-0.)

- 4.5 Adopt a resolution directing the Interim Director of Housing to pursue steps necessary to acquire the Plaza Hotel located in San José at 96 South Almaden Boulevard ("Plaza Hotel") from the Successor Agency to the Redevelopment Agency of the City of San José (SARA), for housing the homeless, and return to City Council to obtain authorization to acquire. CEQA: Exempt, CEQA Guidelines Section 15326, Acquisition of Housing for Housing Assistance Programs, and Section 15301, Existing Facility. (Housing)
(Deferred from 6/16/15 – Item 4.2, and 6/9/15 – Item 4.2)**

Action: Deferred to August 2015 per Rules and Open Government.

- 4.6 (a) Consider a motion to reconsider Council Action on June 16, 2015 regarding Item 4.7 Street Naming of an Existing Private Driveway to Blach Place. (Matthews)**
- (b) If the motion for reconsideration is approved, consider adoption of a resolution to name as Blach Place an existing private driveway located between 2010 and 2030 Fortune Drive in the IP Industrial Park Zoning District (Fortune Drive Investors, LLC, Owner). CEQA: Exempt, CEQA Guidelines Section 15301(c) (Existing Facilities). (Planning, Building, and Code Enforcement)
ST14-007 – District 4**

Documents Filed: Memorandum from Council Member Margie Matthews, dated June 19, 2015, requesting Item 4.6 be dropped.

Action: Dropped per Orders of the Day.

NEIGHBORHOOD SERVICES

- 5.1 As recommended by the Public Safety, Finance, and Strategic Support Committee on May 21, 2015, accept the 2013-2014 Annual Report on the San José Bringing Everyone’s Strengths Together (BEST) and the Mayor’s Gang Prevention Task Force (MGPTF) Programs. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Parks, Recreation and Neighborhood Services) [Public Safety, Finance, and Strategic Support Committee referral 5/21/15 – Item D(3)]**

Action: Deferred to August 11, 2015 per Rules and Open Government.

- 5.2 (a) Adopt a resolution to identify the City Manager or his designee as the authorized representative to submit a TIGER grant application to the U.S. Department of Transportation.**
- (b) Commit to a required local match of \$2,506,568 should the \$10,026,270 grant be awarded for the Project.**
- (c) Adopt the following 2015-2016 Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):**
- (1) Establish the Trail: Coyote Creek (Mabury Road-Santa Clara Street) Reserve appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$1,253,284.**
- (2) Decrease the Future PDO/PIO Project Reserve by \$1,253,284.**

CEQA: Mitigated Negative Declaration, File No. PP09-218 for Coyote Creek Trail Master Plan (Montague Expressway to Watson Park) and File No. PP08-014 For Coyote Creek Trail Master Plan (Lower Silver Creek – Watson Park to Story Road). (Parks, Recreation and Neighborhood Services/Transportation)

Documents Filed: (1) Memorandum from Council Member Margie Matthews, dated June 18, 2015, recommending approval of the Staff recommendations. (2) Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr., Director of Transportation James Ortbal and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated June 10, 2015, recommending adoption of a resolution, commit to a required local match and adoption of appropriation ordinance amendments.

Director of Transportation James Ortbal responded to questions from Mayor Sam Liccardo about the grant.

Action: Upon motion by Council Member Margie Matthews, seconded by Council Member Raul Peralez and carried unanimously, the memorandum from Council Member Margie Matthews and Council Member Raul Peralez, dated June 18, 2015, was approved, approving the Administration’s recommendations regarding the submittal of a grant application to the U.S. Department of Transportation for a Coyote Creek Trail connector from BART to Bus Rapid Transit; Resolution No. 77476, entitled: “A Resolution of the Council of the City of San José Identifying the City Manager or His Designee as the Authorized Representative to Submit a Transportation Investment Generating Economic

5.1 (Action Cont'd.)

Recovery Grant Application to the U.S. Department of Transportation In An Amount Not To Exceed \$10,026,270 for the Coyote Trail Connector – BART to Bus Rapid Transit Project With a Local Match of \$2,506,568”, and Ordinance No. 29595, entitled: “An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Subdivision Park Trust Fund for the Trail: Coyote Creek (Mabury Road – Santa Clara Street) Reserve; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted and a commitment to a required local match of \$2,506,568 should the \$10,026,270 grant be awarded for the Project, was approved. (11-0.)

PUBLIC SAFETY SERVICES

- 8.1 **As recommended by the Public Safety, Finance, and Strategic Support Committee on May 21, 2015, accept the proposed San José Fire Strategic Plan which includes a roadmap to provide ongoing quality services to the community and establish the San José Fire Department as a national leader in all-hazard emergency response and fire prevention services. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Fire)**

[Public Safety, Finance, and Strategic Support Committee referral 5/21/15 – Item D(2)]

Documents Filed: Memorandum from Mayor Sam Liccardo, dated June 22, 2014, recommending deferring action of the San José Fire Department Strategic Business Plan (20/20 Vision Plan) and direction to the City Manager to modify and update the recommended 20/20 Vision Plan based on the pending results of the Countywide Emergency Medical Services Feasibility Study and return for Council consideration.

Action: Upon motion by Council Member Margie Matthews, seconded by Council Member Raul Peralez and carried unanimously, the memorandum from Mayor Sam Liccardo, dated June 22, 2015, was approved, with the following actions: (1) The San José Fire Department Strategic Business Plan (20/20 Vision Plan) was deferred. (2) The City Manager was directed to modify and update the recommended 20/20 Vision Plan based on the pending results of the Countywide Emergency Medical Services Feasibility Study and return for Council consideration. (11-0.)

EVENING CEREMONIAL ITEMS

- 1.1 **Presentation of a commendation to Nicolas Ontiveros in recognition of his Eagle Project of building planter boxes at the Almaden Valley Community Center and Recreation Preschool. (Khamis)**

Mayor Sam Liccardo and Council Member Johnny Khamis recognized and commended Nicolas Ontiveros.

1.3 Presentation of a commendation to the Tech Museum of Innovation for their longtime service and commitment to the community through the museum and its two signature programs, the Tech Challenge and the Tech Awards. (Perez)

Mayor Sam Liccardo and Council Member Raul Perez recognized and commended the Tech Museum of Innovation.

1.4 Presentation of a commendation to the Leland High School Robotics Team for their exemplary work in displaying the talent and academic aptitude of San José youth. (Khamis)

Mayor Sam Liccardo and Council Member Johnny Khamis recognized and commended the Leland High School Robotics Team.

PUBLIC HEARINGS

City Clerk Toni J. Taber, CMC read the requests for continuance of the applications. Upon motion by Vice Mayor Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the below noted continuances and actions were taken as indicated. (11-0.)

PUBLIC HEARINGS ON CONSENT CALENDAR

Upon motion by Council Member Pierluigi Oliverio, seconded by Vice Mayor Rose Herrera and carried unanimously, the Public Hearings on Consent Calendar were approved and the below listed actions were taken as indicated. (11-0)

**11.1 (a) Consideration of an ordinance rezoning the real property located at the southwest corner of Aborn Road and Lyter Way. (2860 & 2868 Aborn Road) from the A Agricultural Zoning District to the CP Commercial Pedestrian Zoning District for commercial uses on an approximately 0.84 gross acre site, (Teodoro Antonio and Elvira, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, adopted November 1, 2011. (Planning, Building, and Code Enforcement)
C14-054 – District 8**

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-054 dated June 10, 2015. (2) Proof of Publication of Notice of Public Hearing, executed on June 12, 2015, submitted by the City Clerk.

Action: Ordinance No. 29596, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.84 Acres Situated Approximately at the Southwest Corner of Aborn Road and Lyter Way (2860 and 2868 Lyter Way) from the A Agricultural Zoning District to CP Commercial Pedestrian Zoning District”, was passed for publication. (11-0.)

- 11.1 (b) **Consideration of an ordinance rezoning the real property located at the southerly corner of Park Avenue and Newhall Street (2095 Park Avenue) from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District to allow commercial uses on an approximately 0.53 gross acre site, (Natalya and Eric Venzon, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, adopted November 1, 2011. (Planning, Building, and Code Enforcement)**
C15-004 – District 6

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C14-004 dated June 10, 2015. (2) Proof of Publication of Notice of Public Hearing, executed on June 12, 2015, submitted by the City Clerk.

Action: Ordinance No. 29597, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.53 Acres Situated at the Southerly Corner of Park Avenue Road and Newhall Street (2095 Park Avenue) from the A Agricultural Zoning District to CP Commercial Pedestrian Zoning District”, was passed for publication. (11-0.)

- (c) **Consideration of an ordinance rezoning the real property located at 650 Quinn Avenue from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District on a 2.0 gross acre site (Robert and Shannon Bothman, Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, adopted November 1, 2011. (Planning, Building, and Code Enforcement)**
C15-007 – District 7

Documents Filed: (1) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-007 dated June 1, 2015. (2) Revised Proof of Publication of Notice of Public Hearing, executed on June 12, 2015, submitted by the City Clerk.

Action: Ordinance No. 29598, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.0 Acres on the Southerly Side of Quinn Avenue, Approximately 1,027 Feet East of Senter Road (650 Quinn Avenue) from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District”, was passed for publication. (11-0.)

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

PUBLIC HEARINGS

- 11.2 Consideration of a Conditional Use Permit to allow a drinking establishment (for more than 250 people) and late night use until 2:00 a.m. in an existing 8,684 square foot public eating establishment in the DC Downtown Primary Commercial Zoning District on an approximately 0.15 gross acre site, located on the east side of South 1st Street, approximately 400 feet southerly of East Santa Clara Street (58 South 1st Street). CEQA: Exempt, Section 15303(c), New Construction or Conversion of Small Structures. Planning Commission recommends approval (4-1-1-1) (Abelite absent and Yob recused). (Planning, Building and Code Enforcement)**

CP15-016 – District 3

(Deferred from 6/9/15 – Item 11.2)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Council Member Raul Peralez and Council Member Magdalena Carrasco, dated June 19, 2015, recommending denying the Staff/Planning Commission recommendation to approve. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP15-016 dated May 5, 2015. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated May 27, 2015, transmitting the Planning Commission recommendation of approval. (4) Supplemental memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated June 19, 2015, providing clarification on surrounding uses and new information regarding the application of Council Policy 6-23. (5) Proof of Publication of Notice of Public Hearing, executed on April 24, 2015, submitted by the City Clerk.

Action: Dropped; To Be Renoticed per Orders of the Day.

- 11.3 Conduct an Administrative Hearing and consider an Appeal of the Planning Commission’s decision to deny a Conditional Use Permit to allow the addition of an automated carwash at an existing smog test facility on a 0.40 gross acre site in the CN Neighborhood Commercial Zoning District, located on the southwest side of Camden Avenue 250 feet northwesterly of South Bascom Avenue (2270 Camden Avenue). Adopt a resolution adopting the Negative Declaration for the 2270 Camden Avenue Car Wash Project and setting forth the City Council’s approval or denial of the Conditional Use Permit. CEQA: Negative Declaration, to be adopted. (Planning, Building, and Code Enforcement)**

CP10-010 – District 9

Documents Filed: (1) Memorandum from Council Member Donald Rocha, dated June 22, 2015, recommending adoption of the Conditional Use Permit. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. CP10-010 dated February 25, 2015. (3) Memorandum from Planning Commission Secretary Harry Freitas, dated June 12, 2015, transmitting the Planning Commission recommendation. (4) Proof of Publication of Notice of Public Hearing, executed on June 5, 2015, submitted by the City Clerk.

11.3 (Cont'd.)

Motion: Council Member Donald Rocha moved approval of his memorandum dated June 22, 2015, recommending that Council adopt the negative declaration and approve the Conditional Use Permit. Council Member Pierluigi Oliverio seconded the motion.

Mayor Sam Liccardo opened the Administrative Hearing.

Bill Behbahani, representing the Owner, spoke to the merits of the project.

Public Comments: Expressing comments and suggestions were Sherry Lee, Ash Behbahani, David Crowell, Bob Nasr, James M. T. Chao, James M.T. Chao, Architect; Steve Thompson, Jill Walls, Matt Kamkar, Sattar Deldav, Diana Leony and Scott Lane.

Mayor Sam Liccardo closed the Administrative Hearing.

Action: On a call for the question, the motion carried unanimously, the memorandum from Council Member Donald Rocha, dated June 22, 2015, was approved, accepting the recommendations by the Planning Staff and Resolution No. 77477 was adopted, adopting the Negative Declaration and approving the Conditional Use Permit for the project. (11-0.)

11.4 **Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to approve a Conditional Use Permit to allow construction of a 760 square foot fitness center, new pedestrian access paths, and landscape improvements to an existing Swim and Racquet club on a 3.33 acre site in the R-1-8 Single-Family Residence Zoning District located on southeast corner of Northridge Drive and Bose Lane (Almaden Swim and Racquet Club, 6604 Northridge Drive). CEQA: Exempt, CEQA Guidelines Section 15301, Existing Facilities. CP13-004 – District 10**

Documents Filed: Proof of Publication of Notice of Public Hearing, executed on June 5, 2015, submitted by the City Clerk.

Action: Deferred to August 4, 2015 per Administration.

11.5 **Conduct an Administrative Hearing and consider an Appeal of the Planning Director's decision to approve a Site Development Permit allowing the construction of three buildings ranging from 38 to 201 feet in height with up to 220 residential units, approximately 14,555 square feet of commercial space, and an associated underground parking garage (File No. H14-009) and a Historic Preservation Permit allowing the relocation and rehabilitation of the First Church of Christ Scientist, including exterior modifications and structural upgrades to a structure listed as a National Register Historic Site/Structure and as a Contributing Structure to the St.**

11.5 (Cont'd.)

James Square City Landmark District, and to allow construction within said City Landmark District (File No. HP14-002), all on a 1.52 gross acre site located on the north side of St. James Street between North 1st Street and North 2nd Street in the DC Downtown Primary Commercial Zoning District. Staff recommends the following:

- (a) Adopt a resolution adopting the Addendum to the Supplemental EIR for the Park View Towers Project and the related Mitigation Monitoring and Reporting Program.**
- (b) Adopt a resolution setting forth the findings and decision of the City Council on the Site Development Permit.**
- (c) Adopt a resolution setting forth the findings and decision of the City Council on the Historic Preservation Permit.**

CEQA: Park View Towers Project, Final Environmental Impact Report, as added, Resolution No. 08-015, adopted June 4, 2008. Council District 3. (Planning, Building, and Code Enforcement)

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, Council Members Peralez, Matthews and Nguyen, dated June 19, 2015, recommending denying the Director of Planning's decision and approve the permits and reaffirm as stated in the conditions of approval that prior to issuance of a building permit on either of the two residential towers, the Applicant shall commence the rehabilitation of the historic church and shall continue that work on the church until completion of the rehabilitation. (2) Memorandum from Council Member Ash Kalra, dated June 22, 2015, supporting the memorandum from Mayor Sam Liccardo, Council Members Peralez, Matthews and Nguyen, dated June 19, 2015, with further direction as described below in "Action". (3) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. HP14-002 dated May 1, 2015. (4) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas dated June 12, 2015, recommending conducting an Administrative Hearing and adoption of resolutions. (5) Staff presentation dated June 23, 2015 summarizing the East St. James Street Façade Study. (6) Proof of Publication of Notice of Public Hearing, executed on June 5, 2015, submitted by the City Clerk. (7) Letter from Brian Grayson, Executive Director, Preservation Action Council of San José, dated June 9, 2015, expressing opposition to the project as it is detrimental to the historic character and fabric of the St. James Square National Register Historic District. (8) Letter from Kathryn Mathewson, dated June 23, 2015, expressing opposition to the Park View Towers on St. James Park.

Director of Planning, Building and Code Enforcement Harry Freitas presented the Staff Report and responded to Council questions.

Mayor Sam Liccardo opened the Administrative Hearing.

John Burroughs, Barry Swenson Builders, provided background information and spoke to the merits of the project.

11.5 (Cont'd.)

Matt Stevens and Brian Grayson, Appellants, expressed opposition to the project as it is detrimental to the historic character and fabric of the St. James Square National Register Historic District.

Public Comments: Expressing comments, suggestions, support and opposition were Judy Stabile, Preservation Action Council San José; Scott Lane, Jack Wimberly, Darlene Friesen, Pamela Dougherty, Bruce Friesen, Amar Rao, Jack Sardegna, Kathryn Mathewson, Gino DeBernardo and Shaunn Cartwright.

Mayor Sam Liccardo closed the Administrative Hearing.

John Burroughs, Barry Swenson Builders, presented a brief rebuttal to the negative comments and pointed out that the historic church will be the centerpiece of the project.

Mayor Sam Liccardo presented a brief slideshow of beautifully preserved historic churches in various large cities.

Motion: Council Member Raul Peralez moved approval of the memorandum he cosigned with Mayor Sam Liccardo, Council Members Matthews and Nguyen, dated June 19, 2015 and the memorandum from Council Member Ash Kalra, dated June 22, 2015, described in detail in “Action” below. Vice Mayor Rose Herrera seconded the motion.

Council Member Raul Peralez presented comments. Council Members Matthews, Nguyen and Rocha expressed support to the motion on the floor.

Council Member Pierluigi Oliverio thanked Director Freitas and his team.

Mayor Sam Liccardo thanked and expressed appreciation to everyone involved in this project.

Action: On a call for the question, the motion carried unanimously, the memorandum from Mayor Sam Liccardo and Council Members Peralez, Matthews and Nguyen, dated June 19, 2015, was approved, with the following clarifications: (1) Denying the Director of Planning’s decision and approving the Site Development Permit and Historic Preservation Permit. (2) Reaffirming as stated in the Conditions of Approval that prior to issuance of a building permit on either of the two residential towers, the Applicant shall commence the rehabilitation of the historic church and shall continue that work on the church until completion of the rehabilitation. The memorandum from Council Member Ash Kalra, dated June 22, 2015, was approved, recommending support to the memorandum cosigned by Mayor Sam Liccardo and Council Members Peralez, Matthews and Nguyen, in addition to: (1) Reaffirming conditions related to construction mitigation, specifically for historic structures within the St. James Square City Landmark District that are near the construction site. (2) Conditioning a contribution of \$30,000 allocation from Barry Swenson to enhance the aesthetic historical nature of the District

11.5 (Action Cont'd.)

surrounding the project. Resolution No. 77478, entitled: “A Resolution of the Council of the City of San José Adopting an Addendum to the Park View Towers Project, For Which An Initial Study Was Prepared, All In Accordance with the California Environmental Quality Act, As Amended and Adopting an Amended Mitigation Monitoring and Reporting Program”; Resolution No. 77479 and Resolution No. 77480 were adopted. (11-0.)

OPEN FORUM

- (1) Brian Darby thanked Council Member Margie Matthews for her service.
- (2) Blair Beekman opined in opposition about the USA Drone Program.
- (3) Scott Lane requested that the City of San José work with the City of Santa Clara regarding re-opening the San Tomas Aquino Creek Trail. Mr. Lane explained that any event over 20,000 people at Levi Stadium closes the trail and the closure may happen up to 37-40 times per year.

ADJOURNMENT

The Council of the City of San José was adjourned at 11:16 p.m. in memory of Paul Stewart, a long-time resident of San José, graduated from San José State University, where he played football for the Spartans. Paul was as an advocate for many, founding several ethnic realtor groups and passionately working to ensure those real estate associations reflect the diverse demographics of people they served. Mr. Stewart passed away on May 15, 2015, and is survived by his wife Tess Crescini, daughters Robyn and Jana, and granddaughter Samya Attia. (Rocha)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC
City Clerk

smd/06-23-15 MIN